3260.

SUPREME COURT OF THE UNITED STATES.

No. 104.

SUSAN E. CONNER, Widow of HENRY L. CONNER, dec'd, App't,

vs.

WILLIAM ST. JOHN ELLIOT, Administrator, and DANIEL W. BRICKLE and WIFE *& al.*, HEIRS OF HENRY L. CONNER, dec'd.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA FOR THE EASTERN DISTRICT.

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STATE OF LOUISIANA,
Tenth Judicial District Court, Parish of Tensas:

SUSAN E. CONNER, Widow of H. L. Conner, App't,
vs.
WM. ST. JOHN ELLIOT, Adm'r, and Heirs of H. L. Conner, Appe'es.

(No. 3883.)

Petition.

SUSAN EVELINA CONNER, Widow of Henry L. Conner, dec.
vs.
THE ADMINISTRATOR AND HEIRS OF HENRY L. CONNER, dec'd.
No. 542.

To the Honorable John Perkins, Judge of the Tenth Judicial District Court of the State of Louisiana, holding sessions of the District Court in and for the parish of Tensas.

The petition of Susan Evelina Conner, the widow of Henry L. Conner, deceased, respectfully represents—

That she is a legitimate daughter of and one of the heirs of Joshua Baker, late of Attakapas, State of Louisiana, who departed this life, a Citizen of said State, in the year 1817. Your petitioner was born on the 15th day of April, 1807, and was of ten years of age at the period of her father's death. The late Honorable Alexander Porter became her tutor or guardian, who was also, at the time of his appointment and to the period of his death, a citizen of the Parish of St. Mary's, in the Attakapas and State of Louisiana, where he had custody of her property, and where she continued in wardship and was subject to his control till he gave her in marriage to Henry L. Conner on the 25th day of May, 1824.

That at the time of her marriage she was a minor, but seventeen years old: and being thus a minor, she is advised and believes she had no disposing will, and was incapacitated to make any legal contract, disposing of her person in marriage or stipulating for any place of future domicil, before her marriage, that could, by any operation of law, change the title to her patrimonial inheritance and invest it in her husband, or which could stamp her marital rights with the legal impress of any other laws than those of the domicil of her infancy and wardship, and the place *constructively* of her marriage.

Your petitioner represents that her deceased husband at the

time of her marriage was a citizen of Adams County, Mississippi, and so continued to the period of his death, on the 17th of September, A. D. 1849. She admits, also, that her marriage rites with said Conner were actually performed in the State of Mississippi. That she is advised and believes that the legal and constructive effect of the fact of marriage was as if performed in the State of Louisiana; because she avers the truth to be, that it was by appointment, consent and agreement, to have been performed at the house of her sister, in the parish of Concordia, State of Louisiana, where preparations therefor were being made, and to which place the marriage guests were invited; but, in consequence of an overflow of the Mississippi river, which rendered the house only accessible to boats, the wedding was adjourned from thence across the river, and actually consummated at the house of another sister, in Adams County and State of Mississippi.

She further represents that her late husband, at the time of their marriage, had but just returned from West Point, in the State of New York, where educated, and had not established himself with a residence anywhere. That he had inherited but a small parcel of land in Adams County, Mississippi, containing only two hundred and ninety-four acres, and upon which there was no house of any sort, nor had he any other lands elsewhere.

And thus situated, it was his declared purpose *at the time of his marriage* to purchase lands, and establish his home and domicil in the State of Louisiana, and which purpose he persisted in and prosecuted by inquiries and overtures for purchase of suitable lands in Louisiana for several successive years afterwards.

During these early years of marriage, and with the expectation of such removal, he but temporarily occupied rented premises, near by his small tract of land, nor did he intermit his purpose of removal to Louisiana, till unlooked for events enabled him to purchase some adjacent divisions of land of his co-heirs, whereby he established the plantation on which he died.

She further represents, that all her husband's estate at the time of his marriage was comprised in the aforesaid piece of land, a few horses and farming utensils, and seventeen slaves of inferior quality, valued in gross at $8,500; nine of these slaves are dead—one was sold, and seven, old and valueless, remain; and without a single individual of natural increase.

Your petitioner at the time of her marriage, was possessed of, in cash, the sum of four thousand four hundred and fifty-two dollars and twenty-four cents, $4,452\frac{25}{100}$, which was paid over to her husband by her guardian, Judge Porter, in the city of New Orleans, on the 29th day of December, 1824, as by notarial receipt and release of that date is herewith shown, marked *A*, and prayed to be taken as part of this petition; and was also possessed by inheritance of two several parcels of land, situate in the State of Louisiana, which during the marriage were sold by the joint conveyance of herself

and her husband, and the proceeds thereof, amounting to about twenty-five hundred dollars (precise sum not now recollected), were also received by her said husband. She also brought to her husband after marriage twelve head of horses, which were used on their plantation in Adams County. And all the money so inherited by petitioner, and the proceeds of her land aforesaid were used and appropriated by her husband in the purchase of slaves, which were bought in his own name, and became part of his reputed estate in Adams County, and all these so represented, comprised the entirety of money of property which each were respectively entitled to at the time of their marriage, and which came to their common use and enjoyment. And from these resources, and from their common industry and joint accumulation came all the property of which her husband died possessed, except a distributive share, which her husband in the year A. D. 1833, inherited from a deceased brother, valued at $3,750.

From these resources a large slave force was accumulated on the Adams County plantation. And in 1841, her husband purchased a plantation or tract of land in the Parish of Tensas, State of Louisiana, comprising 1700 acres of land, which was greatly improved, and for several years before his death was very productive, and which was wholly unencumbered at the time of his death. On this latter plantation, known by the name of "Arcole," there were at the time of his death, in September, 1849, fifty-five slaves, and all necessary stock and materials for planting use, as per inventory and appraisement thereof, herewith exhibited as part of this petition, (marked *B.*) That the natural increase of said slave force since her husband's death, she is informed and believed is about fourteen, the names of which are unknown to her. And from the proceeds of crops grown on said plantation, and sold since his death (exclusive of that now going to market), there has been purchased by the administrator of said estate, and now at work thereon as part of its force, the following named slaves, to wit: Penny, Wright, Eliza, Harris, Ellen Lewis, Martha Hall, Martha Tillman, Harriet and Child, Francilla Jane, Maria Hackett, Sydney York, Lucy Ann, James Morris, George Washington, Alex. Harris, Daniel Lewis, James Hall, Quintius Brook, Eliza and Henry Green—in all 19; which, in addition to the slaves and their increase, named in the inventory, make an aggregate of 84 to 86 slaves, now on said plantation, of all which "Arcole" plantation and its natural increase, your petitioner hereby accepting the succession, claims the right of a widow in community, and a life estate usufruct, in that half of said estate, to which in remainder, her children are entitled by inheritance; as by statute of 25th of March, 1844, is provided. And in virtue of which statute she claims also as her own sole and separate property, all of the nineteen enumerated slaves, last aforesaid, as but the result of her right in usufruct since her husband's death.

And in this aspect of your petitioner's claim, she represents that

there were five children of her marriage with said Conner, who survived him, namely, Mary S., now the wife of Benson Blake; Susan L., now the wife of Daniel W. Brickle; Evelina B., now the wife of Charles A. Castillo: Anna Frances, who died in July last, 1852, an infant and intestate, leaving your petitioner and her children her heirs at law; and Louisa Roussel Conner, an infant twelve years old. Said Henry L. Conner died intestate, and, after his death, William St. John Elliot, of Adams County, Mississippi, was appointed his administrator, and as such, against the wishes and remonstrances of your petitioner, has and still does control said estate, and dispose of its crops, and has made the purchase of the 19 slaves last aforesaid from the proceeds.

Your petitioner shows that the plantation of which her husband died possessed in the State of Mississippi comprised about 1100 acres of land, and 109 slaves (house-servants included), plantation implements and house furniture, appraised in all (the land excepted) to $66,552 37. She states her husband was an indulgent and liberal liver, and occupied a spacious house, surrounded by a large yard, garden, and grounds, improved in a style becoming country gentleman's estate, and which required a large number of slaves as house-servants, and to keep the house, grounds, and garden in order, who produced nothing in the field. This expensive establishment, including 376 acres of ground, has been judicially set apart to her as a dower at common law, which consists in a life use in the estate assigned. There has been awarded her, also, a distributive share in the slaves and other personal property, equal to that assigned to each of her five children, valued at $10,163 88.

This, her share, includes 15 slaves in all, but of which two are old and valueless, being appraised together at but $175, three of them are young children, and ten are men and women of fair average value. Seven of these, however, are required, and have always been required to serve in and about the establishment; nor can your petitioner do with a less number as family domestics, unless she suffer a diminished use and enjoyment of the premises from that to which she has been accustomed, and their consequent neglect and dilapidation, or abandon the possession and submits to occupy more humble and contracted accommodations. But, as now situated, her distributive share of slaves, which can be spared in productive services, will not yield her a nett annual income of more than four hundred dollars, and utterly insufficient for her support in a style of comfort at all correspondent to that she was accustomed to enjoy as the wife of her deceased husband. Your petitioner has acquiesced in this division of the property in Mississippi, according to the laws of that State, whereby the property has been regarded as wholly belonging to her husband's separate estate, she having presented no claim there for any partnership interest, or for the investment originally made by her husband there of her dotal and paraphernal property, as before set forth. Being advised, and believing that her marital rights and

her rights of community, which resulted from the laws of Louisiana, did more appropriately attach themselves in his succession in Louisiana, and should be there claimed and adjudicated.

Under this belief she has sought and demanded her rights in the "Arcole" in this Parish, in full community, and has claimed and continues to claim the entire possession and usufruct, during her life or widowhood, of the other half of said estate. And she claims, also, a full payment and allowance to her, as a precedent charge on said "Arcole" estate, with all such interest and use as may be just, of her dotal and paraphernal funds and property, so used by her husband as aforesaid. But her children and their husbands, and the Curator aforesaid, assume and pretend she has no such rights as claimed, nor has rights of any kind, resulting from her said marriage, in said "Arcole" estate.

They pretending and alleging that, by virtue of her deceased husband's domicil, during the period of their marriage, in the State of Mississippi, all her dotal and paraphernal property carried into the marriage aforesaid, was, by virtue of the common law of Mississippi, divested out of her, and absorbed into his separate estate, as his rightful property. And that by virtue of the provisions of the Civil Code of Louisiana, of 1825, the acquisition of said "Arcole" estate by Henry L. Conner, in his lifetime, and while continuing his domicil in the State of Mississippi, rendered such estate the sole and separate property of said Henry L. Conner, in which his wife had no accruing interest, and to which his widow can assert no claim.

But your petitioner represents that her deceased husband always acknowledged her equitable right to one half of his estate, because of his investment of her separate funds and resources to the increase of his possessions, and because of her active exertions and economy in augmenting said estate; and he believed, also, that the laws of Louisiana would assure to her these equitable rights, which he declared his wish and will, that she should have and enjoy, if she survived him. And notwithstanding the objections now urged by the Curator and heirs as aforesaid, your petitioner represents, and is advised and believes, that being married a ward of the State of Louisiana, in 1824, her rights in community as to any property acquired during the marriage, in the State of Louisiana, attached and vested under the code of 1808, and the Spanish laws then in force; and that these rights could not be changed or divested to her injury by any subsequent code or statutary enactment. And by virtue of the laws then in force, her rights of community resulting from marriage, as to property acquired in Louisiana, were not debarred or prejudiced by a domicil out of the State.

Is advised and believes, also, that the constructive legal effect of her marriage, under circumstances before shown, was that of a marriage in Louisiana.

That by the contract of marriage it was agreed and intended to be consummated there; and so far as any laws were looked to or con-

templated as governing the property rights, which were to result from the fact of marriage, they were the laws of Louisiana only. And she is advised and believes that, by the provision of both, the old and new Codes alike, a marriage in Louisiana superinduced of right a community of acquests and gains; and so far as pretended, that in her agreement to marry she contemplated or agreed to change her domicil to Mississippi, she avers the fact was otherwise; and so far as that matter was then discoursed of, or referred to, the State of Louisiana was contemplated as their intended domicil. But being a minor, she could not, as she did not, make any compact, before marriage, for her domicil afterwards; and after marriage she had no will or capacity on the subject, but her husband's domicil became hers of necessity and without consent; and she protests that such power of constraint should not work her prejudice, as to the marital rights secured to her by the law of her marriage domicil and place of wardship. She is advised and believes, also, that if her rights were to be governed and adjudged in the premises by the Code of 1825, it contains no affirmative rule or interdiction to her rights of community under the facts here presented, and she is advised that all the laws of Louisiana affecting the right claimed by her are real statutes, the exact principle of which is, that they fix unbending local rules of right in property, irrespective of the domicil of the parties claiming; and, if necessary to her rights, that the State decision in this regard should be reviewed (which she in nowise pretends); yet is such case it may be respectfully suggested, that a more particular consideration of rights, arising under real statutes, might assure to her a more equal, and not less just interpretation of her claims, in this behalf.

But she is especially advised and believes, that if the judicial construction of the Code of 1825, in like cases, shall be regarded as comprehending the rules which should govern her case, and to deny her the rights of community claimed, because a Mississippi instead of a Louisiana widow (which rule, as governing her case, she in nowise charges or admits), yet to this law so interposed, to preclude her, she invokes for her protection the first clause of section 2, art. 4, of the Constitution of the United States. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

And your petitioner avers she is a native born citizen of the United States, and a present citizen of the State of Mississippi. And she is advised and believes that any right of inheritance or distribution, or like rights of property, or civil privileges, accorded by any State of this Union to its own citizens, cannot be denied or forbidden to citizens of other States of this Union, then and there claiming the same civil rights and privileges. Wherefore she saith, that if the code of statutary laws of Louisiana interdicts the claim preferred by her, because not a citizen wife heretofore, or citizen widow now, of the State of Louisiana, then she respectfully maintains that said law is

null and void by reason of its conflict with the Constitution of the United States in this behalf; and for which cause she also asserts her rights, before shown, and prays judgment.

She represents, also, that by the death of her child, Anna Frances Conner, in July last, your petitioner is entitled to have and inherit in full property, the equal one-fourth part of her said child's share in said "Arcole" estate, being the fifth of one-half of said estate which may remain after the dotal and paraphernal charges of your petitioner are deducted.

Your petitioner prays, to make said administrator and heirs all party defendants to this her complaint; and she represents that the said William St. John Elliot, and the said Blake and wife, and Brickle and wife, and the said Louise H. Conner, a minor, are all citizens and residents of the State of Mississippi; and whom she prays may be represented in this defence, if necessary, by curators *ad hoc;* and the said Castillo and wife are citizens of New Orleans, in this State, against whom petitioner prays citation, and that all be compelled to answer the allegations of this Petition, and that they be authorized to defend this suit. And for final hearing your petitioner prays—

1st. That the dotal and paraphernal interests as shown and set forth, be adjudged a charge against said estate, and allowed accordingly, with interest from judicial demand.

2d. And that of the remainder of said estate, as subsisting at the time of her husband's death, with its natural increase as now subsisting, be adjudged subject to her rights of marital community.

3d. And that all the inheritable portions of her children in said estate be adjudged to your petitioner in usufruct.

4th. That the 19 slaves purchased since the decease of her husband, be adjudged to your petitioner in full property, as resulting from her right in usufruct.

5th. That the one-fourth part of the heritable portion of her deceased child, Anna Frances, in said estate, be set off and adjudged to the petitioner in full property.

6th. That full possession be adjudged to your petitioner of all said estate, and that the Curator be required to account, and to pay over to her, all proceeds of crops, and money received by him, and from other resources of said estate, of whatever kind.

7th. And, in absence of all other sufficient relief, that there be adjudged to your petitioner such usufructuary right as the law accords to necessitous widows for their marital portion.

8th. And that she have all such other and further relief as the law and justice of her case shall warrant.

(Signed) JOHN HENDERSON,
Att'y for Plaintiff.

Filed November 24th, 1852.

F. L. GLOVER,
Clerk.

Exhibit (A). Filed with Petition.

Be it known, that on this 29th day of December, in the year of our Lord one thousand eight hundred and twenty-four, and forty-ninth of the independence of the United States of America, before me, Hugh K. Gordon, Notary Public in and for the Parish of New Orleans, duly commissioned and sworn, personally came and appeared Madam Susan A. Baker, wife of Henry L. Conner, of Adams County, State of Mississippi, and one of the heirs of the late Joshua Baker, of Attakapas, in this State, deceased, the said appearer being accompanied and authorized and aided in the execution of these presents by her said husband.

The said husband and wife declared that they have received from Alexander Porter, Junior, the late tutor of the said Susan E. Baker, out of the presence of me, the Notary, and the subscribing witnesses, the receipt whereof is hereby acknowledged, renouncing the exception of "non numerate pecunia," the sum of four thousand four hundred and fifty-two dollars and twenty-four cents, being the balance in full, principal and interest, due and coming to the said Susan E. Baker, as one of the heirs aforesaid, from the proceeds of the sale of the estate of her late father, the said Joshua Baker, deceased, made the seventeenth day of March, in the year of our Lord one thousand eight hundred and seventeen; that they, the said husband and wife, have had full inspection and examination of the accounts of the said tutor, at least ten days previous to the execution of these presents; and they have released, discharged, and acquitted, and do by these presents, forever release, discharge, and acquit the said Alexander Porter, Junior, of and from all responsibility and liability in consequence of his being tutor aforesaid.

Thus done and passed at New Orleans aforesaid, in presence of Isaac Baldwin and John P. Labord, witnesses, who hereunto subscribe their names as such, with said appearers, and me notary.

(Signed) SUSAN E. CONNER.
" HENRY L. CONNER.
" ISAAC BALDWIN.
" JOHN P. LABORD.
" HUGH K. GORDON,
Notary Public.

I, Paul C. Laresche, Notary Public in and for the Parish of Orleans, duly commissioned and sworn, residing in the City of New Orleans, and successor in office of the late Hugh K. Gordon, do hereby certify the foregoing to be a true copy of the original act extant in the notarial books of the said notary Gordon.

In testimony whereof I grant these presents under my signature and notarial seal, at the City of New Orleans aforesaid, this thirtieth day of October, in the year of our Lord one thousand eight hundred

and fifty-two, and of the Independence of the United States of America the seventy-seventh.

[L. S.] (Signed) LARESCHE,
Not. Pub.

Filed November 26, 1852.

F. L. GLOVER,
Clerk.

Exhibit (B), with Petition. Inventory.

STATE OF LOUISIANA,
Parish of Tensas:

Be it known that on this day, pursuant to an order from the honorable the Tenth District Court in and for said Parish and State, of date the ninth day of October, 1849, directed to me, Robert Y. Skinner, Recorder and *ex-officio* Notary Public in and for said parish, duly commissioned and sworn to take an inventory and cause an appraisement to be made of all the property and effects of Henry L. Conner, deceased, situated in the parish aforesaid, I, said Recorder, did proceed to the plantation of said deceased, and there caused to come before me George W. Baynard and Reuben M. Gibson, residents of said parish, whom I appoint appraisers to appraise said property, and I proceeded to administer to them the following oath:—

You, George W. Baynard and Reuben M. Gibson, and each of you, do solemnly swear that you will faithfully and impartially set a true and correct price and value on the property belonging to said estate hereafter pointed out to you, to the best of your knowledge and understanding. So help you God.

G. W. BAYNARD.
REUBEN M. GIBSON.

And after having sworn said appraisers, and caused them to sign the same as above, I, said Recorder, did then point to them the following described property, which they did appraise and value in the manner following, to wit:—

Seventeen hundred acres of land appraised at twenty dollars per acre, making the sum of thirty-four thousand dollars,			$34,000 00
Sam, a negro,	appraised at		500 00
Young Billey,	"	"	600 00
Charles, man, 16 yrs	"	"	300 00
Mercer, " 25 "	"	"	700 00
Ruffian, " 23 "	"	"	700 00
Burtine, his wife, 38 yrs	"	"	450 00
Henry, their child, 10 "	"	"	300 00
Dandry, 26 "	"	"	750 00
Isabella (wife) 22 "	"	"	500 00
Their infant child	"	"	100 00
Anna, woman, 22 "	"	"	600 00

George, man,	25	yrs.	appraised at	650 00
Eliza, woman,	28	"	"	750 00
Letty, "	20	"	"	550 00
Mary, her child,	2	"	"	100 00
James, an infant		"	"	100 00
Landy, man,	34	"	"	750 00
Becky, woman,	35	"	"	400 00
Rose,	9	"	"	250 00
Clara,	7	"	"	200 00
Elizabeth,	5	"	"	150 00
Rina,	2	"	"	100 00
Ben,	25	"	"	700 00
Martha, his wife,	20	"	"	600 00
Scippio, man,	50	"	"	400 00
Lucretia, wife,	19	"	"	600 00
Irie,	28	"	"	700 00
Louisa,	23	"	"	500 00
Her child,		"	"	100 00
Wilson,	32	"	"	500 00
Bina, wife,	40	"	"	350 00
Sally,	2	"	"	100 00
Silvya, an infant,		"	"	100 00
Andrew,	26	"	"	700 00
Chloe	26	"	"	500 00
Little Peggy,	4	"	"	150 00
Big Peggy,	16	"	"	550 00
Fanny and child,	22	"	"	600 00
Mina,	55	"	"	300 00
Ann,	25	"	"	500 00
Jeff,	2	"	"	100 00
Robert,	1	"	"	100 00
Daniel,	45	"	"	400 00
Maria, wife,	20	"	"	400 00
Preston,	2	"	"	100 00
John,	48	"	"	500 00
Mathilda,	40	"	"	350 00
Emily,	5	"	"	250 00
Amanda,	4	"	"	200 00
Frederick,	22	"	"	700 00
Jerry,	30	"	"	350 00
Thornton,	50	"	"	500 00
Waltey,	20	"	"	700 00
Old Billey,	75	"	"	200 00
21 Head of horses and mules, at $50 E.				1,050 00
10 " yoke of oxen,			" $25 "	250 00
40 " of stock cattle,			" 5 "	200 00
150 " hogs, more or less,			" 1 "	150 00
One lot of ploughs,				36 00

One lot of scrapers,	8 00
10 Barrels of stone coal, at 6¼ per bbl.	7 50
15 " lime, $1.75 "	26 25
1 horse cart,	10 00
One lot of scrapers and wheelbarrows,	30 00
One cable, rope and block,	20 00
1 cross-cut saw,	3 00
1 ox-wagon,	20 00
1 "	75 00
1 ox-cart,	20 00
4 doz. spades and shovels, at 5¼ each,	31 00
3 " weeding hoes, at $3 doz.	9 00
18 sets of traces and harness, at 6¼ set,	13 50
1 pair timber wheels,	75 00
1 lot of blacksmith's tools,	50 00
1 " iron,	50 00
1 large kettle,	7 50
1 set of carpenters' tools,	15 00

And after having made said inventory and appraisement, and finding the whole to amount in value to the sum of fifty-eight thousand four hundred and fifty-six $\frac{75}{100}$ dollars, total valuation of the above property, I, said Recorder, have closed this inventory, and make this my *proces verbal* or formal act of the same, and have caused the appraisers to sign the same in the presence of J. P. Van Meeter & F. D. Pickens, competent witnesses, who have hereunto signed their names, together with said appraisers and me, said Recorder, this 10th of October, A. D. 1849.

(Original signed) G. W. BAYNARD.
RUBEN M. GIBSON.
J. B. VAN MEETER.
F. D. PICKENS.

ROBERT Y. SKINNER,
Recorder.

A true copy of the original.

Witness my hand and seal, this 10th day of April, A. D. 1850.

[L. S.] ROBERT Y. SKINNER,
Recorder.

Filed November 26, 1852.

F. L. GLOVER,
Clerk.

Citation.

THE STATE OF LOUISIANA,
Parish of Tensas, Fourth District Court:

SUSAN E. CONNER, wife of Henry L. Conner, dec'd, vs. ADMINISTRATOR AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

To Henry B. Shaw, Curator *ad hoc* for the absentees, Susan L. Brickle and husband (David W. Brickle), Mary S. Blake and husband (Benson Blake), and the minor Louisa R. Conner, a resident of the Parish of Concordia and State aforesaid.

You are hereby cited to comply with the demand contained in plaintiff's petition, a certified copy of which accompanies this citation, or to file your answer, in writing, to the same, in the office of the Clerk of said Court at St. Joseph, within twenty days after service hereof.

Witness the Hon. John Perkins, Jr., Judge of said Court, and the seal thereof, this 7th day of December, A. D. 1852.

[L. S.] F. L. GLOVER,
Clerk of said Court.

Received 7th December, 1852, and on Friday, the 10th day of December, 1852, served the within citation by handing a true copy of same, together with a certified copy of plaintiff's petition and documents annexed, to the within named Henry B. Shaw, Curator *ad hoc*, in person in this Parish of Tensas.

G. W. WILLIAMS,
Sh'ff.

By REEVE LEWIS,
D'y Sh'ff.

Filed December 24th, 1852.

F. L. GLOVER,
Clerk.

Citation of Under Tutor.

STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, widow of Henry L. Conner, vs. ADMINISTRATOR AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

To Lemuel P. Conner, under tutor of the minor Louisa R. Conner, a resident of the Parish of Concordia and said State.

You are hereby cited to comply with the demand contained in plaintiff's petition, a certified copy of which accompanies this citation, or to file your answer, in writing, to the same in the office of the Clerk of said Court at St. Joseph, within 18 days after service hereof.

Witness the Hon. John Perkins, Jr., Judge of said Court, and the seal thereof, this 10th day of December, A. D. 1852.

[L. S.] F. L. GLOVER,
Clerk of said Court.

Received 25th day of December, 1852, and served on the 3d day of January, 1853, by handing a true copy of the within citation, together with a certified copy of plaintiff's petition and documents annexed, to L. P. Conner, under tutor of minor Louiza R. Conner, in person in this parish.

W. R. C. VERNON,
Parish of Concordia.

Filed January 12th, 1853.

F. L. GLOVER,
Clerk.

Citation of E. B. Castillo and Charles Castillo, her husband.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, widow of Henry L. Conner, d'd, vs. THE ADMINISTRATOR AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

To Evelina B. Castillo and Charles A. Castillo, her husband, both residents of the Parish of Orleans and State of Louisiana.

You are hereby cited to comply with the demand contained in Plaintiff's petition, a certified copy of which accompanies this citation, or to file your answer, in writing, to the same, in the office of the Clerk of said Court, at St. Joseph, within fifty days after service hereof.

[L. S.] Witness the Hon. John Perkins, Jr., Judge of said Court, and the seal thereof, this 30th day of November, A. D. 1852.

F. L. GLOVER,
Clerk of said Court.

Received, Parish of Orleans, December 3d, 1852, and on the 6th day of same month served copy of petition and citation on Mr.

and Mrs. Castillo, through Mrs. Evelina B. Castillo, one of the defendants, at their domicil, No. 98 Ursuline Street, in person.
Returned December 6th, 1852.

E. SAMPSON,
D'y Sheriff.

Filed December 8th, 1852.

F. L. GLOVER,
Clerk.

Appointment of Counsel ad hoc.

Tuesday, March 22d, 1853.

SUSAN E. CONNER, widow, &c.,
vs.
ADM'R AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

H. B. Shaw, Esq., appointed by the Court attorney *ad hoc*, to represent the absent defendant, Wm. St. John Elliot, administrator of succession of H. L. Conner, deceased, who accepts said appointment and answer filed, and this cause continued, with leave granted to take testimony in and out of the State by consent.

Appointment of Curator ad hoc, for Marshall.

SUSAN E. CONNER, widow, &c.,
vs.
ADM'R AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

H. B. Shaw, Esq., appointed Curator *ad hoc*, to represent the absentee George M. Marshall, and amended supplemental petition filed by leave of the Court.

App't of Curator ad hoc, for S. L. Brickle, &c.

TENTH DISTRICT COURT,
Parish of Tensas:

SUSAN E. CONNER, widow of H. L. Conner, dec'd,
vs.
ADM'R AND HEIRS OF H. L. CONNER, dec'd.

In the above styled suit, it is ordered that Henry B. Shaw, Esq'r, be appointed Curator *ad hoc*, to represent the absentees Susan L. Brickle and husband, Daniel W. Brickle, Mary S. Blake and husband, Benson Blake, and the minor Louise R. Conner. And it is further ordered, that Susan L. Brickle, Mary S. Blake, and Evelina B. Castillo, be authorized to defend this suit.

Done and signed in Chambers, this 29th day of November, A. D. 1852.

JOHN PERKINS, JR.,
Judge 10 D. C.

Amended and Supplemental Petition.

SUSAN E. CONNER, widow of H. L. Conner,
vs.
THE CURATOR AND HEIRS OF H. L. CONNER, dec'd, AND GEORGE B. MARSHALL.
No. 542.

10TH DISTRICT COURT
for the Parish of Tensas and State of Louisiana:

Amended and Supplemental Petition.

Your petitioner, Susan E. Conner, by way of supplemental amendment to her petition, heretofore filed in this case, and by leave of the Court, further shows—

That, since filing her original petition, the majority of heirs of said Henry L. Conner, and defendants to her original complaint, by order of this Court in that behalf made against the protest and dissent of your petitioner, have made sale of the entire "Arcole" plantation, with all its slaves, stock, and implements of husbandry, in block to one George B. Marshall, a resident of the State of Mississippi, whom your petitioner now prays to make a defendant to this suit. Your petitioner is advised, and believes, that a private contract of sale was made by the defendants, Blake and wife, and Castillo and wife, and Brickell and wife, to said George M. Marshall, of all said estate, at the price of one hundred and twelve thousand dollars, with an agreement and understanding that the sale should be nominally made at public auction, and bid off for the use and benefit of said Marshall, and his private purchase so assumed to him at $112,000, though the property should be bid off at a higher price; he, said Marshall, being indemnified by the other parties for the difference between the public bid and the private bargain.

Your petitioner shows, that this illegal procedure and agreement made it the obvious interest of the indemnifying party that the property should not be bid off, at the public sale, at a higher price than stipulated for a private sale; and, under this state of things, it was permitted to be estimated or made known, that the bidders at public auction would meet with difficulties and discouragements—not favorable to competition; while the actual facts and reasons were not explained. And, in pursuance of the policy of this discouragement, the sale was not made on the premises, and where the law and practice required it should be, and where the property offered to sale could be exhibited to the bidders, but was sold at the court-house of said Parish, about 25 miles distant from the property. The result was, that, though the sale was made, and the property bid off at about the sum of one hundred and thirty-five thousand and fifty dollars ($135,050), yet the acclimated slaves did not bring from 15 to 25 per cent. the price which similar unacclimated slaves were selling for in the slaves yards at Natchez and New Orleans. And

your petitioner charges, that had said sale been made without any discouragement to competition, and made upon the ground, where the property could have been seen, that it would have readily brought one hundred and fifty thousand dollars; and for all these causes, in addition to those objected in the original claim of your petitioner, said sale was and is void.

Your petitioner shows, that neither in her own right, or as tutor to her infant child, Louisa R. Conner, did she consent to or approve this sale, which was made to effect partition; and on the day and place of sale, she made public written protest against said sale, and admonished all bidders of her claim to said property, as in this suit set forth. Wherefore, she charges that the said George M. Marshall was a purchaser with express notice and in bad faith; and she prays that the said sale may be annulled and cancelled by the final decree to be rendered in this case, and that said Marshall be held to account for all profits realized, or which by the best economy might be realized from said property, and made responsible for all losses and disasters to which it may be subject in his possession, and allowed no remuneration for any administrative services to said property so wrongfully possessed by him.

But your petitioner shows that by the defect of sale, and delivery of possession as aforesaid, the admitted and unquestionable heritable portion, which she held in the property itself before sale, as derived to her by the death of her daughter Frances; and an undoubted *interest or portion of some extent*, which as tutrix to her infant daughter Louise, as one of the heirs of Henry L. Conner, deceased, she had rightful administration of while the property remained in kind; are now represented in this Court by the proceeds of said sale, instead of the property; and while your petitioner persists that said sale should be cancelled in support of her claim herein, yet under the circumstances of the case, as before shown, she prays this honorable Court that her heritable portion from her daughter Frances of about $7,000, and the portion indicated by said sale and other proceedings, as the part to which her daughter and ward, the said Louise, is entitled, as conceded in said proceedings, be ordered to be paid over to your petitioner as a depositary, to abide the final event and decree of this suit; and without prejudice to the claims of your petitioner, or to the infant ward Louise, or to any other party interested upon the contingency of this controversy.

Your petitioner prays for an immediate interlocutory order to this effect, and if necessary, so far as the portion claimed for the ward Louise is concerned, that the under tutor be cited to be heard on the subject.

Your petitioner further shows that she was tutrix of the infant Frances at the time of her death, and is now tutrix to the infant Louise. She was also tutrix to her daughter S. L. Conner, now wife of Daniel Brickell, and of her daughter Evelina B. Conner, now wife of A. C. Castillo, until the marriage of these parties respectively.

And she shows that, under the sale aforesaid, the said Brickell and wife, and Castillo and wife, have taken and received all their portion of the proceeds of said sale, without any settlement or consent of your petitioner as tutrix, and without any allowance to her of commissions for her administration as such.

The same is true of the share of the deceased ward, Frances; it has been claimed and divided among the co-heirs, without any settlement and consent of your petitioner as tutrix, and without allowance of commissions for her administration. Your petitioner avers this is irregular, and unjust and wrong toward her in that behalf; and she prays due redress in this matter and in the final decision of this cause, and to such extent as shall not be incompatible with her claim to community as hereinbefore asserted.

And your petitioner prays citation to the said George M. Marshall, and that a curator *ad hoc* be appointed for him, and that he may be required to answer this petition, original and amended; and that all the other defendants may be required to answer this amendment, as the original petition also. And your petitioner prays all due relief in the premises as herein and heretofore prayed, and for all such other and further relief as the equity and justice shall appertain.

JOHN HENDERSON,
Att'y for Plaintiff.

And your petitioner further prays leave to amend her original petition by alleging that the money received by her husband, Henry L. Conner, from Judge Porter, was invested in both lands and slaves, instead of slaves alone, as was originally alleged, and prays for general relief.

J. HENDERSON, and
T. P. FARRAR,
Atty's for Petitioner.

Filed March 28th, 1853.

F. L. GLOVER, *Clerk.*

Citation of Evelina B. Castillo and Husband.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court.

SUSAN E. CONNER, widow of H. L. CONNER, dec'd,
vs.
THE ADMINISTRATOR AND HEIRS OF H. L. CONNER, dec'd.

To Evelina B. Castillo and Charles A. Castillo, her husband, residents of the Parish of Orleans and State aforesaid.

You are hereby cited to comply with the demand contained in plaintiff's amended and supplemental petition, a certified copy of which accompanies this citation, or to file your answer in writing to

the same in the office of the Clerk of said Court at St. Joseph, within fifty days after service hereof.

Witness the Honorable John Perkins, Jr., Judge of said [L. S.] Court, and the seal thereof, this 13th day of May, A.D. 1853.

F. L. GLOVER,
Clerk.

Received, Parish of Orleans, May 16th, 1853, and on the same day served copies of amended and supplemental petition and citation for Evelina B. Castillo and Charles A. Castillo, her husband, at their domicil, No. 98 Ursulines Street, through Charles A. Castillo, for self and wife. Returned May 16th, 1853.

E. SAMPSON,
D'y Sheriff, Parish of Orleans.

Filed May 23d, 1853.

F. L. GLOVER,
Clerk.

Citation of Adm'r and Heirs of H. L. Conner.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court.

SUSAN E. CONNER, Widow of H. L. CONNER, dec'd,
vs.
ADMINISTRATOR AND HEIRS OF H. L. CONNER, dec'd.

To Henry B. Shaw, Curator *ad hoc* for Susan E. Brickle and husband, Mary J. Blake and husband, and the minor, Louisa R. Conner and George M. Marshall, and to Lemuel P. Conner, under tutor, a resident of the Parish of Concordia aforesaid.

You are hereby cited to comply with the demand contained in plaintiff's petition, and amended and supplemental petition, certified copies of which accompany this citation, or to file your answer in writing to the same, in the office of the Clerk of said Court at St. Joseph, within twenty days after service hereof.

Witness the Honorable John Perkins, Jr., Judge of said [L. S.] Court, and the seal thereof, this 28th day of June, A. D. 1853.

F. L. GLOVER,
Clerk of said Court.

F. L. GLOVER,
Clerk of said Court.

Received, 29th June, 1853, and served on the 30th June, 1853, by handing a true copy of the within citation, together with a certified copy of plaintiff's petition, amended petition, and supplemental petition, to H. B. Shaw, Esq., Curator *ad hoc* for Susan E. Brickle and

husband, Mary S. Blake and husband, and the minor Louisa R. Conner, and George M. Marshall, absent defendants, in person, in this parish.

W. R. C. VERNON,
Sheriff.

Received 29th June, 1853, and served on the 30th day of June, 1853, by handing a true copy of the within citation, together with a certified copy of plaintiff's amended petition and supplemental petition, to H. B. Shaw, Esq., Attorney for L. P. Conner, under tutor, in person in this parish.

W. R. T. VERNON,
Sh'ff.

Filed July 5th, 1853.

F. L. GLOVER,
Clerk.

Answer.

TENTH DISTRICT COURT,
Parish of Tensas, State of Louisiana:

March Term, 1833.

SUSAN E. CONNER, widow, &c.
vs.
ADMINISTRATORS AND HEIRS OF HENRY L. CONNER, deceased. } No. 542.

The undersigned Curator *ad hoc*, appointed by this Court to represent Susan L. Brickell and Daniel W. Brickell, her husband, Mary S. Blake and Benson Blake, her husband, and the minor Louisa R. Conner, absentees, defendants in the suit above stated, appears in his said capacity, and for answer to the plaintiff's petition, filed herein, denies generally and specially each and every allegation in the same contained, excepting only such as may be hereinafter expressly admitted.

Respondent, in so far as authorized by his aforesaid appointment, admits, as he believes the facts to be, that the plaintiff was legally married to Henry L. Conner, who is since deceased, and that there were issue of said marriage five children, who survived their said father, to wit: Susan L. Brickell, Mary S. Blake, Evelina B. Castillo, Anna F. Conner, and Louisa R. Conner.

That said Henry L. Conner was previously to and at the time of his said marriage with the plaintiff a citizen and resident of the State of Mississippi; that the marriage was celebrated in the State of Mississippi, in which State said Henry L. Conner continued to reside up to the time of his date.

That said Henry L. Conner in his lifetime acquired by purchase a tract of land in the Parish of Tensas, subsequently designated by the

name of "Arcole," and placed thereon a large number of slaves, and established it as a cotton plantation; and that when, by the death of said Henry L. Conner, his succession became open in the Parish of Tensas, said plantation, with the slaves and all the effects belonging thereto, were inventoried as belonging to said succession, and avers that the present plaintiff, having been confirmed and qualified as the natural tutrix of the heirs of Henry L. Conner, dec'd, proceeded in her said capacity to administer the property of said succession.

Respondent avers that, upon application made to this Court, and on the recommendation and advice of a family meeting, the said Tutrix was authorized to purchase certain slaves, to be paid out of the revenues of said property, in order to the more efficient cultivation of said plantation, which purchase was made, and the slaves so purchased placed on said plantation.

That afterwards, upon application made and due notice given thereof, William St. John Elliot was appointed Administrator of said succession, took possession of the property, and proceeded to administer it.

That Susan L. Brickell, having been emancipated by marriage, authorized by her husband, instituted suit in this Court for a partition of the property belonging to said succession and situated in this parish; said suit is styled on the docket of this Court "Susan L. Brickell and husband *vs.* Susan E. Conner, Tutrix, *et als.* No. 462: that pending said suit, Anna Frances Conner, one of the heirs of said Henry L. Conner, died a minor, and that thereupon a supplemental petition was filed in said suit, praying for a partition of the share of said deceased in the succession of her deceased father, and making said Susan E. Conner, as Tutrix and personally, a party to said suit; and upon issue joined therein a final judgment was rendered at the October Term, 1852, of this Court, decreeing a partition of all the property of said succession in this parish, to be made by licitation and division of the proceeds thereof between the heirs, the said Susan L. Brickell, Mary S. Blake, Eveline B. Castillo, Louisa R. Conner, and Susan E. Conner, in the shares and proportions as follows, to wit: To the first four above named, each one-fifth part of the whole, and one-fourth of three-fourths of the other fifth, and to said Susan E. Conner one-fourth part of the said last mentioned fifth of said property; an inventory of said property was made, and under order of sale issued from this Court upon the said judgment said property was sold; the division made on the proportions above stated, and the shares of the said Louisa R. and Susan E. Conner are in the hands of the sheriff of this parish, ready to be paid over.

Avers, that if the plaintiff, at the time of her marriage, owned or possessed any property, or acquired any subsequently, and which was received by her said husband, the same was either a sum of money or other personal or moveable effects, which by the law of

Mississippi, the matrimonial domicil, became absolutely the property of her husband, upon being reduced into possession by him, and that she has no legal claim against his succession on account thereof.

Respondent denies expressly that any community of acquets and gains ever existed between said Henry L. Conner and the plaintiff, averring that their matrimonial domicil was in the State of Mississippi, where no community of acquets and gains exists between married persons residing there; that said marriage was contracted in the State of Mississippi, and expressly denies that it was with any expectation or intention of ever making their residence in the State of Louisiana; and avers that all property acquired by her said husband, in the State of Louisiana, was his separate property, and as such descended by law to his children, the defendants in this suit.

Respondent denies that the plaintiff has any right or claim upon the succession of said Henry L. Conner, or the property sued for, whether from pretended community rights, or for paraphernal or dotal rights, except for her share of the proceeds of the sale thereof, as decreed in the judgment of partition above referred to, as inherited from her deceased daughter, Anna F., and in bar of any such claim he pleads the said judgment rendered by this Court in the suit of Susan L. Brickell and husband *vs.* Susan E. Conner, Tutrix, *&c. als.* No. 462, on the docket of this Court, as being *res judicata* thereon.

Respondent shows, that the portion of the plaintiff, inherited by her from her deceased daughter, Anna Frances Conner, was decreed and set apart for her in the judgment above referred to, and is not and has not been held, possessed, or claimed by any of the defendants in this suit, and therefore denies that the plaintiff has any right to claim the same from them.

Respondent denies that the plaintiff is entitled to demand the marital portion out of the succession of her deceased husband, and avers that she was not left by his decease in necessitous circumstances, and avers that the property allotted to her under the laws of Mississippi, out of the estates of her husband, situated in that State, is large, and fully sufficient to support her in ease, comfort and respectability.

Respondent therefore prays, that the plaintiff's demands contained in her petition filed in this case be rejected with costs, &c.

H. B. SHAW,
Curator ad hoc.

TENTH DISTRICT COURT,
Parish of Tensas, State of Louisiana:

SUSAN E. CONNER, Widow,
vs.
ADMINIST'R AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

Evelina B. Castillo and Charles A. Castillo, her husband, residing in the Parish of Orleans, and Lemuel P. Conner, residing in the Parish of Concordia, defendants in the suit above stated, for answer to the plaintiff's petition, adopt fully all the allegations and averments contained in the answer filed in behalf of their co-defendants, the absentees, by the *Curator ad hoc*, and plead as therein pleaded, and pray that plaintiff's demand be rejected with costs, &c.

H. B. SHAW,
Att'y for Respondents.

TENTH DISTRICT COURT,
Parish of Tensas, State of Louisiana:

S. E. CONNER, Widow,
vs.
ADMINIST'R AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

The undersigned, *Curator ad hoc*, appointed to represent the absentee William St. John Elliot, administrator, &c. defendant in said suit, for answer to plaintiff's petition, shows that all the property of the succession administered by him has been sold under decree of this Court, and is no longer held or possessed by him; that he has rendered a final account of his administration, and only awaits the homologation thereof, to be finally discharged: respondent therefore denies that plaintiff has any claims against him on account of said property, and prays to be hence dismissed.

If the above be not considered to be a sufficient answer to plaintiff's petition, then respondent adopts the answer filed in this suit by his co-defendants, and pleads as is therein pleaded, and prays that plaintiff's demand be rejected with costs, &c.

H. B. SHAW,
Curator ad hoc.

Filed March 22, 1853.

F. L. GLOVER,
Clerk.

STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, Widow, &c.
vs.
ADM'R AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

The undersigned, *Curator ad hoc*, appointed by the Court to represent the absentee defendant, George M. Marshall, who resides in the

State of Mississippi, for answer to plaintiff's petition and supplemental petition filed in said case, denies generally and specially each and all the allegations therein contained, excepting only such as may be expressly admitted.

Respondent adopts the answer filed by the original defendants to the original petition.

Respondent admits that at a public sale made by the Sheriff of this Parish, under a decree of this Court, the said George M. Marshall did become the purchaser of the property offered under said decree for the price of one hundred thirty-five thousand and fifty dollars, he being the last and highest bidder at said sale, and that possession of said property was delivered to him, and avers, that said sale was a public, open and fair sale, and that the price bid was a fair and full price for said property; denies that any person was deterred or discouraged from bidding at said sale, by any private or other agreement, written or verbal.

Respondent pleads in defence of this suit all the pleads of the original defendants, and prays that plaintiff's demand be rejected, with costs, &c.

H. B. SHAW,
Curator ad hoc.

Filed December 14, 1853.

F. L. GLOVER,
Clerk.

Wednesday, December 14, 1853.

S. E. Conner, Widow, &c.
vs.
Adm'r and Heirs of H. L. Conner. } 542.

Continued, with leave granted to take testimony in and out of the State.

Tuesday, March 21, 1854.

S. E. Conner, Widow, &c.
vs.
Adm'r and Heirs of H. L. Conner. } 542.

The case set for Thursday.

Wednesday, March 22, 1854.

S. E. Conner, Widow, &c.
vs.
Ad'mr and Heirs of H. L. Conner. } 542.

Ordered that the case be set for Monday.

TENTH DISTRICT COURT,
Parish of Tensas:

SUSAN E. CONNER
vs.
THE ADMINISTRATOR AND HEIRS OF HENRY L. CONNER.

Plaintiff offers notarial release passed before H. L. Gordon, Notary Public, from Conner and wife to Alexander Porter, marked (*A*); offers a copy of the inventory of the property of the succession of H. L. Conner, with a list of nineteen slaves annexed thereto, marked (*B*); offers the testimony taken by Commission of Wm. N. Mercer, marked (*C*); offers the depositions of Mrs. Ker, Mr. and Mrs. Metcalf, and Dr. Stephen Duncan, and Francis Surget, marked (*F*); offers the depositions of Joshua Baker, marked (*G*); offers the answers to interrogatories of G. M. Marshall, marked (*H*); offers the depositions of Thomas Edwards and L. P. Conner, marked (*I*); offers protest and Sheriff's certificate, marked (*K*); offers act of sale and receipt of the Bayou Settle Lands, marked (*L*); certificate of marriage, marked (*M*); offers affidavit of Mrs. S. E. Conner, (*N*); offers record of partition of the personal property of H. L. Conner in the State of Mississippi, marked (*O*); offers the order of the Probate Court of Adams County, for widow and heirs, marked (*P*); offers letter of D. S. Stacy & Sparrow, dated May 15, 1851, marked (*Q*); offers letter of D. S. Stacy, dated Sep. 20, 1852, marked (*R*); offers the deposition of Wm. E. Hall, marked (*S*), (to be furnished).

R. Y. Skinner, sworn, says: that he has been Recorder of Tensas Parish from 1846 up to last November; that he is acquainted with the plaintiff, and remembers to have held two family meetings in the affairs of the estate of H. L. Conner; that Mrs. Conner was not present at either of said family meetings; that he received a letter from Mrs. Conner, in Sept., 1852, making inquiries in regard to said family meeting; he believes, from what Mrs. Conner has told him, and wrote him in 1852, that she was ignorant of said family meeting up to May of that year.

Cross-examined. Says that Mrs. Conner wrote to him, saying that she understood there was to be a family meeting, and desired to know the object of it.

Plaintiff offers the oath of the natural tutrix, marked (*T*), offers the statement of the proceeds of the annual crops of the Arcole plantation, for the years 1849, 1850, 1851, and 1852, taken from the accounts of the administrator, and also of funds derived from other sources in same accounts; offers all the items of credit found in the accounts of the administrator; offers *proces verbal* of family meeting, held at St. Joseph, January 4, 1850, marked (*W*).

R. Y. Skinner, re-examined, says, that Mr. Conner built a fine residence, or dwelling-house, upon the Arcole plantation.

Defendants offer petition of S. E. Conner *vs.* Wm. St. John Elliot, in suit No. 440; offer petition of S. E. Conner for family meeting, filed in suit No. 462; offers the petition, and acceptance of service therein, and answers, filed in suit No. 462, and the judgment thereon, together with the supplemental petitions; offers copy of the inventory of the succession of H. L. Conner, dated October 22, 1852. It is admitted for the purposes of this suit, that a commission was issued in accordance with the judgment of the 11th October, 1852, to the Sheriff of the Parish of Tensas, and that said Sheriff executed the same, and made his return accordingly; offers the Sheriff's deed of sale of the property of the succession of H. L. Conner; offers the minutes of the suit No. 462, at page 286 of the minute record. It is admitted that there was no appeal bond filed by Mrs. Conner, in suit 462, nor any record of appeal filed in the Supreme Court at the February term of 1853, in said cause; offers deed from W. G. Conner, trustee to Susan E. Conner; offers deed from Mary S. Conner to Susan E. Conner; offers deed from Blake and wife to Susan E. Conner.

It is admitted that when the Arcole property and slaves, &c., &c., were sold, there were three bidders, and that an unsuccessful bidder bid the sum of one hundred and thirty-five thousand and forty-five dollars; offers the two accounts of the administrator of the succession of H. L. Conner.

Plaintiff offers the homologation of the deliberations of the family meeting; offers the petition, order, and bond for appeal in suit No. 462.

It is admitted that the common law prevails in the State of Mississippi, except when modified by statute.

I hereby certify the foregoing to be all the evidence offered on the trial of the above cause.

March 27, 1854.

ALONZO SNYDER,
Judge Tenth District.

(*A.*)

Be it known, that on this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and forty-ninth of the independence of the United States of America, before me, Hugh K. Gordon, Notary Public in and for the Parish and City of New Orleans, duly commissioned and sworn—

Personally came and appeared Madame Susan E. Baker, wife of Henry L. Conner, of Adams County, State of Mississippi, and one of the heirs of the late Joshua Baker, of Attakapas, in this State, deceased, the said appearer being accompanied and authorized and aided in the execution of these presents by her said husband. The said husband and wife declared that they have received from Alexander Porter, Junior, the late tutor of the said Susan E. Baker, out of the

TENTH DISTRICT COURT,
Parish of Tensas:

SUSAN E. CONNER
vs.
THE ADMINISTRATOR AND HEIRS OF HENRY L. CONNER.

Plaintiff offers notarial release passed before H. L. Gordon, Notary Public, from Conner and wife to Alexander Porter, marked (*A*); offers a copy of the inventory of the property of the succession of H. L. Conner, with a list of nineteen slaves annexed thereto, marked (*B*); offers the testimony taken by Commission of Wm. N. Mercer, marked (*C*); offers the depositions of Mrs. Ker, Mr. and Mrs. Metcalf, and Dr. Stephen Duncan, and Francis Surget, marked (*F*); offers the depositions of Joshua Baker, marked (*G*); offers the answers to interrogatories of G. M. Marshall, marked (*H*); offers the depositions of Thomas Edwards and L. P. Conner, marked (*I*); offers protest and Sheriff's certificate, marked (*K*); offers act of sale and receipt of the Bayou Settle Lands, marked (*L*); certificate of marriage, marked (*M*); offers affidavit of Mrs. S. E. Conner, (*N*); offers record of partition of the personal property of H. L. Conner in the State of Mississippi, marked (*O*); offers the order of the Probate Court of Adams County, for widow and heirs, marked (*P*); offers letter of D. S. Stacy & Sparrow, dated May 15, 1851, marked (*Q*); offers letter of D. S. Stacy, dated Sep. 20, 1852, marked (*R*); offers the deposition of Wm. E. Hall, marked (*S*), (to be furnished).

R. Y. Skinner, sworn, says: that he has been Recorder of Tensas Parish from 1846 up to last November; that he is acquainted with the plaintiff, and remembers to have held two family meetings in the affairs of the estate of H. L. Conner; that Mrs. Conner was not present at either of said family meetings; that he received a letter from Mrs. Conner, in Sept., 1852, making inquiries in regard to said family meeting; he believes, from what Mrs. Conner has told him, and wrote him in 1852, that she was ignorant of said family meeting up to May of that year.

Cross-examined. Says that Mrs. Conner wrote to him, saying that she understood there was to be a family meeting, and desired to know the object of it.

Plaintiff offers the oath of the natural tutrix, marked (*T*), offers the statement of the proceeds of the annual crops of the Arcole plantation, for the years 1849, 1850, 1851, and 1852, taken from the accounts of the administrator, and also of funds derived from other sources in same accounts; offers all the items of credit found in the accounts of the administrator; offers *proces verbal* of family meeting, held at St. Joseph, January 4, 1850, marked (*W*).

R. Y. Skinner, re-examined, says, that Mr. Conner built a fine residence, or dwelling-house, upon the Arcole plantation.

Defendants offer petition of S. E. Conner *vs.* Wm. St. John Elliot, in suit No. 440; offer petition of S. E. Conner for family meeting, filed in suit No. 462; offers the petition, and acceptance of service therein, and answers, filed in suit No. 462, and the judgment thereon, together with the supplemental petitions; offers copy of the inventory of the succession of H. L. Conner, dated October 22, 1852. It is admitted for the purposes of this suit, that a commission was issued in accordance with the judgment of the 11th October, 1852, to the Sheriff of the Parish of Tensas, and that said Sheriff executed the same, and made his return accordingly; offers the Sheriff's deed of sale of the property of the succession of H. L. Conner; offers the minutes of the suit No. 462, at page 286 of the minute record. It is admitted that there was no appeal bond filed by Mrs. Conner, in suit 462, nor any record of appeal filed in the Supreme Court at the February term of 1853, in said cause; offers deed from W. G. Conner, trustee to Susan E. Conner; offers deed from Mary S. Conner to Susan E. Conner; offers deed from Blake and wife to Susan E. Conner.

It is admitted that when the Arcole property and slaves, &c., &c., were sold, there were three bidders, and that an unsuccessful bidder bid the sum of one hundred and thirty-five thousand and forty-five dollars; offers the two accounts of the administrator of the succession of H. L. Conner.

Plaintiff offers the homologation of the deliberations of the family meeting; offers the petition, order, and bond for appeal in suit No. 462.

It is admitted that the common law prevails in the State of Mississippi, except when modified by statute.

I hereby certify the foregoing to be all the evidence offered on the trial of the above cause.

March 27, 1854.

ALONZO SNYDER,
Judge Tenth District.

(*A.*)

Be it known, that on this twenty-ninth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and forty-ninth of the independence of the United States of America, before me, Hugh K. Gordon, Notary Public in and for the Parish and City of New Orleans, duly commissioned and sworn—

Personally came and appeared Madame Susan E. Baker, wife of Henry L. Conner, of Adams County, State of Mississippi, and one of the heirs of the late Joshua Baker, of Attakapas, in this State, deceased, the said appearer being accompanied and authorized and aided in the execution of these presents by her said husband. The said husband and wife declared that they have received from Alexander Porter, Junior, the late tutor of the said Susan E. Baker, out of the

presence of me, the Notary, and the subscribing witnesses, the receipt whereof is hereby acknowledged, renouncing the exception of "*non numerata pecunia*," the sum of four thousand four hundred and fifty-two dollars and twenty-four cents, being the balance in full, principal and interest, due and coming to the said Susan E. Baker, as one of the heirs aforesaid, from the proceeds of the sale of the estate of her late father, the said Joshua Baker, deceased, made the seventeenth day of March, in the year of our Lord one thousand eight hundred seventeen; that they, the said husband and wife, have had full inspection and examination of the accounts of the said tutor, at least ten days previous to the execution of these presents; and they have released, discharged, and acquitted, and do by these presents forever release discharge, and acquit the said Alexander Porter, Jr., of and from all responsibility and liability in consequence of his being tutor aforesaid.

Thus done and passed at New Orleans aforesaid, in presence of Isaac Baldwin and John P. Laborde, witnesses, who hereunto subscribe their names as such, with said appearers and me, Notary.

(Signed) SUSAN E. CONNER.
HENRY L. CONNER.

ISAAC BALDWIN.
J. P. LABORDE.

HUGH P. GORDON,
Not. Pub.

I, Paul E. Laresche, Notary Public, in and for the parish of Orleans, duly commissioned and sworn, residing in the city of New Orleans, successor in office of the late Hugh P. Gordon, do hereby certify the foregoing to be a true copy of the original extant in the notarial books of said Notary Gordon.

In testimony whereof, I grant these presents under my signature and notarial seal at the city of New Orleans aforesaid, this [L. S.] thirtieth day of the month of October, in the year of our Lord one thousand eight hundred and fifty-two, and of the Independence of the United States of America the seventy-seventh.

LARESCHE,
Not. Pub.

Filed in evidence March 27, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
Dep. Clk.

(*B.*)

STATE OF LOUISIANA,
Parish of Tensas:

Be it known, that on this day, pursuant to an order from the Honorable the Tenth District Court in and for said Parish and State, of date the ninth day of October, 1849, directed to me, Robert Y. Skinner, Recorder and *ex officio* Notary Public in and for said parish, duly commissioned and sworn to take an inventory and cause an appraisement to be made of all the property and effects of Henry L. Conner, deceased, situated in the parish aforesaid, I, said Recorder, did proceed to the plantation of said deceased, and then caused to come before me George W. Baynard and Reuben M. Gibson, residents of said parish, whom I did appoint appraisers to appraise said property, and I proceeded to administer to them the following oath :—

You, George W. Baynard and Reuben M. Gibson, and each of you, do solemnly swear that you will faithfully and impartially set a true and correct price and value on the property belonging to said estate hereafter pointed out to you, to the best of your knowledge and understanding. So help you God.

G. W. BAYNARD,
REUBEN M. GIBSON.

And after having sworn said appraisers and caused them to sign the same, as above, I, said Recorder, did then point out to them the following described property, which they did appraise and value in the manner following, to wit:

Seventeen hundred acres of land, appraised at twenty dollars per acre, making the sum of thirty-four thousand dollars,			$34,000 00
Jane, a negro woman,		appraised at	500 00
Young Billy, man,		" "	600 00
Mercer, "	25 years old,	" "	700 00
Charles, "	16 "	" "	300 00
Ruffian, "	23 "	" "	700 00
Burilina, his wife,	38 "	" "	450 00
Henry, their child,	10 "	" "	300 00
Dandry,	26 "	" "	750 00
Isabella (wife),	22 "	" "	500 00
Their infant child,		" "	100 00
Anna, woman,	22 "	" "	600 00
George, man,	25 "	" "	650 00
Eliza, woman,	28 "	" "	750 00
Letty, wife,	20 "	" "	550 00
Mary, their child,	2 "	" "	100 00
James, an infant,	6 months,	" "	100 00
Sandy, man,	34 years,	" "	750 00

Beckey, woman,	35	years	old, appraised at	400 00
Rose,	9	"	" "	250 00
Clara,	7	"	" "	200 00
Elizabeth,	5	"	" "	150 00
Rina,	2	"	" "	100 00
Ben,	25	"	" "	700 00
Martha, wife,	20	"	" "	600 00
Scipio,	50	"	" "	400 00
Lucretia, wife,	19	"	" "	600 00
Ive,	28	"	" "	700 00
Louisa,	23	"	" "	500 00
Her child,			" "	100 00
Wilson,	32	"	" "	500 00
Bina (wife),	40	"	" "	350 00
Sally,	2	"	" "	100 00
Sylvia,	6	mo's	" "	100 00
Andrew,	26	years,	" "	700 00
Chloe,	26	"	" "	500 00
Little Piggy,	4	"	" "	150 00
Big Piggy,	16	"	" "	550 00
Fanny and child,	22	"	" "	600 00
Mina,	55	"	" "	300 00
Ann,	25	"	" "	500 00
Jeff,	2	"	" "	100 00
Robert,	1	"	" "	100 00
Daniel,	45	"	" "	400 00
Maria, wife,	20	"	" "	400 00
Preston,	2	"	" "	100 00
John,	48	"	" "	500 00
Matilda,	40	"	" "	350 00
Emily,	5	"	" "	250 00
Amanda,	4	"	" "	200 00
Frederic,	22	"	" "	700 00
Jerry,	30	"	" "	350 00
Thornton,	50	"	" "	500 00
Wattey,	20	"	" "	700 00
Old Billy,	75	"	" "	200 00
21 head of horses and mules, appraised at $50 E.				1050 00
10 yoke of oxen,			" " 25 E.	250 00
40 head of stock cattle,			" " 5	200 00
150 " hogs, more or less,			" " 1	150 00
One lot of ploughs,				36 00
One lot of scrapers,				8 00
Ten barrels stone coal, at 6¼ per barrel,				7 50
15 " of lime, at $1 75 "				26 25
1 horse cart,				10 00
1 lot of scrapers and wheelbarrows,				30 00
1 cable rope and block and tackle,				20 00

1 cross-cut saw,	3 00
1 ox waggon,	20 00
1 do. do.	75 00
1 do. cart,	20 00
4 doz. spades and shovels, at 5| each,	31 00
3 " weeding hoes, at $3 doz.	9 00
18 sets traces and harness, at 6| set,	13 50
1 pair timber wheels,	75 00
1 lot blacksmiths' tools,	50 00
1 " iron,	50 00
1 large kettle,	7 50
1 set carpenters' tools, appraised at	15 00

And after having made said inventory and appraisement, and finding the whole to amount in value to the sum of fifty-eight thousand four hundred and fifty-six $\frac{75}{100}$ dollars, total valuation of the above property, I, said Recorder, have closed this inventory, and make this my *proces verbal* or formal act of the same, and have caused said appraisers to sign the same in the presence of J. B. Van Meeter and F. D. Pickens, competent witnesses, who have hereunto signed their names together with said appraisers and me, said Recorder, this 10th day of October, A. D. 1849.

(Original, signed,) G. W. BAYNARD,
REUBEN M. GIBSON,
J. B. VAN MEETER,
E. D. PICKENS.

ROBERT Y. SKINNER, *Recorder.*

A true copy of the original.

Witness my hand and seal this tenth day of April, A. D. 1850.

[L. S.] ROBERT Y. SKINNER,
Recorder.

Names of negroes purchased for Arcola plantation, La., since September, 1849.

Women.	*Men.*
Penny Wright,	James Monroe,
Eliza Harris,	George Washington,
Ellen Lewis,	Alex. Harris,
Martha Hall,	Daniel Lewis,
Martha Tilman,	James Hall,
Harriet & baby,	Quintus Brock,
Francilla Jane,	Elijah,
Maria Hacket,	Henry Green.
Lyamy York,	
Lucy Ann,	

Filed in evidence March 27, 1854.

F. L. GLOVER, *Clerk.*
By WM. H. GARRETSON, *Dep. Clerk.*

(*C.*)

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, Widow of Henry L. Conner, dec'd,
vs.
THE ADM'RS AND HEIRS OF H. L. CONNER and GEO. M. MARSHALL. } No. 542.

To Wm. L. Poindexter, Special Commissioner, or any Judge or Justice of the Peace in and for the City of New Orleans and State of Louisiana, greeting:

Know ye, that reposing confidence in your prudence and fidelity, we do authorize and appoint you to take the answers of William N. Mercer, residing in New Orleans, La., to the annexed interrogatories: said answers to be used in evidence on the trial of the above cause in said Court, wherein Susan E. Conner, &c., plaintiff, and adm'r and heirs of H. L. Conner *et al.* defendants, and we do command you, that you cause the before named witness to come before you, and, after swearing him on the Holy Evangelist of Almighty God, true answers to make to the said interrogatories, that you do examine and take down his answers in writing to the interrogatories hereunto annexed, and that you do cause the said witness to sign his deposition in your presence, and that afterwards you draw up a *prôces verbal*, or certificate of your doings herein, and sign and seal the same with your seal of Office; and we do further command you to annex the said deposition, and the *proces verbal* of the taking thereof to this commission and interrogatories, and send the same carefully inclosed and sealed, directed to the Clerk of said Court at St. Joseph, Parish of Tensas, Louisiana, on or before the 12th day of December, A. D. 1853.

Witness the Honorable Alonzo Snyder, Judge of said
[L. S.] Court, and the seal thereof, at St. Joseph, this 6th day of October, A. D. 1853.

F. L. GLOVER,
Clerk of said Court.

SUSAN E. CONNER, Widow of Henry L. Conner, dec'd,
vs.
THE ADM'R AND HEIRS OF HENRY L. CONNER, dec'd, and GEORGE M. MARSHALL.

10TH DISTRICT COURT,
Parish of Tensas, Louisiana:

Interrogatories propounded to Dr. William N. Mercer, of the City of New Orleans, and State of Louisiana, a witness for the plaintiff in the above entitled cause, whose testimony, when obtained,

is intended to be given in evidence in behalf of the plaintiff on trial of the above entitled cause.

Int. 1st. Are you acquainted with the plaintiff in this suit, and were you acquainted with Henry L. Conner, now deceased, her late husband, and how long have you known each respectively?

Int. 2d. Did you know the plaintiff Susan before, and at the time of her marriage? if yea, please state the State and place of residence before her marriage, and state if you know who was her guardian.

3d. Please specify, if you know, the State and place of residence of Henry L. Conner at the time of his marriage?

4th. Did you or did you not introduce the said Henry L. Conner to Judge Alexander Porter, her guardian, at the time said Henry sought to ask said Susan in marriage of her said guardian? and, if yea, where was it, in Louisiana or Mississippi?

5th. Was said Susan then a ward within the State of Louisiana, and was Judge Porter her guardian?

6th. Did you know Alexander Porter, Jr., and Nathaniel Dick, in their livestime? Where did they reside? Are both dead? And are you acquainted with their handwriting respectively?

7th. Please examine the document (*A*) herewith, purporting to be the consent of said Porter to the marriage of said Susan with Henry L. Conner, and say if the signature of the said Porter, as principal, and the said Dick, as witness, are in the handwriting of the parties respectively.

8th. Were you acquainted with Dr. John Ker in 1823 and 1824? and, if yea, state where he then lived; and state, also, if his wife (now a widow) was related to Judge Porter, and to the plaintiff Susan, and in what way or degree?

9th. Was or was not the Post Office at the City of Natchez in 1823 and 1824, the only Post Office, or the nearest and most usual Post Office to the resident citizens of Concordia, near Vidalia, in Louisiana? and did or did not Doctor Ker then reside at or near Vidalia, in Louisiana?

10th. Do you know whether Henry L. Conner, dec'd, at the time of his marriage or afterward, received any money in right of his wife, Susan, by virtue of his marriage; and if not within your own knowledge, have you ever heard it from said Henry L. Conner; and what and how much did he say he had so received?

11th. Do you or not know from the speeches and conversation of Henry L. Conner, or by other means, that for some time after his marriage he contemplated a removal to Louisiana for residence?

12th. Please state what was the character of the plaintiff, Susan, as a wife, for thrift, economy, and good management; and state if, from these qualities of the wife, the prosperity and success of said Henry L. Conner was not as much promoted as by his own exertions?

13th. Examine the letter herewith marked (*B*), and bearing date at New Orleans, 12 February, 1823, and state if the signature thereto, and all the letter is not in the proper handwriting of Judge Alexander Porter, Jr.

14th. Do you know anything further material to the matters in issue? if yea, state it fully in an answer to this general interrogatory.

JOHN HENDERSON,
Attorney for Plaintiff.

Document (A), filed with Interrogatories.

I, Alexander Porter, Jr., of the City of New Orleans, duly appointed Tutor by the Court of Probates, in the Parish of St. Mary's, Attakapas, in the State of Louisiana, to Susan Baker, minor, daughter of the late Joshua Baker, deceased, do, in my quality aforesaid, by these presents, consent that the rites of matrimony be solemnized between Henry L. Conner, of Adams County, in the State of Mississippi, and the said Susan Baker, and I sign these presents and affix my seal thereto in the City of New Orleans, this 4th day of May, 1824, in order that the same may serve in time and place.

[L. S.] ALEXANDER PORTER, JR.

NATH'L DICK,
Witness.

Mark (B.)

NEW ORLEANS, 12 *Feb.* 1823.

DEAR SISTER:—

I do not know how it is that you and I are such bad correspondents; I suppose we are both something in fault, but I am afraid that I am most to blame. The truth is that tho' I am a very industrious man about the most of things, I am a most lazy one in regard to letter writing. My friends, however, must forgive me, for I treat them all alike. Louisa, the other day, reproached me so gently for my neglect that I sat down on the strength of it and wrote her four pages. Isaac's going up to see you reminds me that I ought to tell you how we all are here, and to ask how you all do.

My sister visited me about three weeks since, and my cousin, Penelope Porter, whom I believe you know, came down with them, and with them came also my children. They are both grown so much that you would scarcely know them. They have visited the school at Nashville during the summer. They now go to Mr. Hall; Anne learns very well, but Evelina beats her hollow, and every other child anything near her own age. However, I refer you to your brother for more particulars, for I am afraid, if I said anything more, you would set down to a father's partiality my praises.

Louisa writes Isaac often, and writes him most excellent letters for a child of her age. She has improved very much, and I hope will continue to do so. "Susan I have not heard from, tho' I have heard much about her from Joshua, who tells me she is a fine smart girl. I wish much to see her, and would write to come down this spring, if my house was not so crowded. Next winter, I hope, will

enable me to have her here. I approve of her staying with you and Doctor Ker. I am sure she would not be so well in any other place. In regard to her expenses I beg of you to be economical in the sum of money you may lay out for her, and I would wish you to impress on her mind the absolute necessity of her being so. I am anxious to do everything in my power for her, but the truth is, I have not the means now I formerly had, and my own expenses are increased. Would you believe that Louisa's *expenses* and *hers in seventeen months*, that is, from the time they left here in the Spring until Susan got to your house, amount to $1,900 and upwards; a sum unprecedented to be laid out on two children in so short a space of time, and which is nearly double what any two girls of their age, sent from this place to the north, have ever cost, as I am informed. Who is to blame for this I cannot tell, but there is a great fault somewhere.

I enter more freely into this explanation with you than I can even do with Susan, hoping that you will have the goodness to enter fully into my views, and that you will aid them with your advice and counsel. Young people, at her time of life, know nothing of the value of money, and cannot appreciate correctly observations that have a tendency to teach it. She will find the worth of it tho' sometime, perhaps too soon.

I have taken the liberty of putting up for you an *Irish present*, that is, a couple of barrels of as good Irish potatoes as I ever eat in my life. Perhaps you will laugh at me for sending them, and attribute it to my nationality, but I will run the risque and send them.

Please give my best wishes to the Doctor and tell him to make out his account of any monies *that he may have advanced to or for Susan* since her arrival, and I will forward him the amount.

Remember me to Susan, and believe me most sincerely and affectionately

Yours,

A. PORTER, Jr.

(Dir.) Mrs. Mary Kerr, Natchez.

State of Louisiana,
City of New Orleans:

Be it known that on this day, the second of December, Anno Domini eighteen hundred and fifty-three, I, William L. Poindexter, acting as a special Commissioner, duly qualified, by an order of the Honorable the Tenth District Court of the State of Louisiana aforesaid, to take the testimony of Doctor William Newton Mercer, at present being in this city; the evidence, when taken, to be used in a certain case, wherein Susan E. Conner, widow, &c., is plaintiff, and the administrator and heirs of H. L. Conner *et al.* are defendants, caused the said W. Newton Mercer to come before me at my office in the city of New Orleans, who being duly sworn upon the Holy Evangelist of Almighty God, did depose and say as follows:—

To the first interrogatory. Deponent answers that he is acquainted with Mrs. S. E. Conner, and has known and her husband, the late H. L. Conner, since 1824.

To the second interrogatory. He knew Mrs. C. but a short time before her marriage in 1824, and believes she resided with her brother-in-law, Dr. Metcalf, in Adams County, Mississippi. He also knew the late Judge Porter since 1818 or 1819, but does not know that he was the guardian of the plaintiff Susan.

To the third interrogatory. H. L. Conner resided in Adams County, State of Mississippi, at the time of his marriage.

To the fourth interrogatory. Believes that he did introduce the late Judge Porter to the late H. L. Conner, in New Orleans.

To the fifth interrogatory. Does not know that Mrs. Conner was a ward in Louisiana, but believes Judge Porter was her guardian.

To the sixth interrogatory. Knew Judge Porter and Nathaniel Dick, both of whom resided in New Orleans; they have since died. Is acquainted with the handwriting of both.

To the seventh interrogatory. Has no doubt that the document "*A*" was signed by Judge Porter and N. Dick.

To the eighth interrogatory. Knew the late Dr. John Ker in 1823 and 1824; at that time he resided in Concordia, Louisiana. Knew also Mrs. Ker, who is the sister of Mrs. Conner, and was sister-in-law of Judge Porter.

To the ninth interrogatory. Is not aware that the Natchez post-office was the nearest post-office to the resident citizens of Concordia, or the most usual one, but believes Dr. Ker resided within a few miles of Vidalia, La.

To the tenth interrogatory. Does not know that H. L. Conner received any property or money in right of his wife Susan, but thinks that H. L. Conner told him that he had received about six thousand dollars.

To the eleventh interrogatory. Does not know, nor does he believe, that he ever heard the late H. L. Conner express any intention of removing his residence to the State of Louisiana.

To the twelfth interrogatory. Believes that Mrs. Conner was remarkable for thrift, economy, and good management; but does not believe that the success and prosperity of her husband was as much promoted by the exercise of these qualities as by his own exertions.

To the fourteenth interrogatory. Is not aware that he knows anything more pertinent to the matters in issue.

WM. NEWTON MERCER.

Sworn to and subscribed before me this second day of December, A. D. 1853.

WM. L. POINDEXTER,
Sp'l Commissioner.

Returned, opened, and filed Dec. 5th, 1853.

F. L. GLOVER,
Clerk.

Received 12 March, 1853, and served 15 March, 1853, by handing a certified copy of the within interrogatories, documents annexed, prayer and order to L. P. Conner, under-tutor to the minor Louisa R. Conner, in person, in this parish.

W. R. C. VERNON,
Sheriff, Parish of Concordia.

Received March 12, 1853, and served on 12 March, 1853, by handing a certified copy of the within interrogatories, documents annexed, prayer, and order to H. B. Shaw, Esq., Curator *ad hoc*, to represent the absentees, Susan L. Brickle and husband, D. W. Brickle, Mary S. Blake and husband, Benson Blake, and the minor Louisa R. Conner, in person, in this parish.

W. R. C. VERNON,
Sheriff, Parish of Concordia.

Plaintiff prays that a commission may issue to take the deposition of Dr. W. N. Mercer, in New Orleans, directed to William L. Poindexter, in N. O., as special commissioner, returnable instanter.

HENDERSON & FARRAR,
Att's for Plaintiff.

Let a commission issue directed and returnable as prayed for.

F. L. GLOVER,
Clerk.

Filed in evidence March 27, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
Dep. Cl'k.

(*D.*)

10TH DISTRICT COURT,
Parish of Tensas, Louisiana:

SUSAN E. CONNER, widow of Henry L. Conner, deceased,
vs.
THE ADM'R AND HEIRS OF HENRY L. CONNER, dec'd, AND GEO. M. MARSHALL.

Interrogatories propounded to Dr. James Metcalf and his wife, Sarah W. Metcalf, and Mrs. Mary Ker (widow of Dr. Ker), and Mrs. Widow Frances Sprague, all witnesses on part of the plaintiff, and all citizens of Adams County, State of Mississippi, whose answers, when obtained, are intended to be used in evidence in behalf of the plaintiff on trial of the above entitled cause.

(The witnesses are *all* requested to answer the 1st, 4th, 5th, 6th,

7th, 8th, 9th Interrogatories, and Dr. Metcalf and wife and Mrs. Ker are requested to answer all the questions.)

Int. 1st. Are you acquainted with the plaintiff, Susan E. Conner? and if yea, state how long acquainted, and whether intimately acquainted, and what your relation to her, if any, and what your means and opportunity to have known her intimately.

2d. Did you know her parents? and where was her father's last residence, and when and where did he die? State, if you can, the date of her birth, and how old when her father died, and who was her guardian afterwards, and where did he reside.

3d. Did she inherit any estate from her father or from any one else? and if so, where and what the amount and value, and in what did it consist? And did her guardian have the custody and possession of said estate, and where had he such custody?

4th. Did you know Henry L. Conner in his lifetime, and where did he live and die? And was he the husband of the plaintiff, Susan E. Conner?

5th. Were you at the wedding of Henry L. Conner and the plaintiff, and where was the ceremony of marriage performed, and at what house, and at what date?

6th. How old was the plaintiff, Susan, at the time of her marriage with the said Henry?

7th. Do you or not know that said wedding was not had and performed in the places where first agreed and contemplated to have had it? And if not celebrated where first contemplated, do you know the reasons why it was not? State fully.

8th. Do you or not know positively and certainly that the place appointed for the wedding by the consent of the parties and the approbation of their friends was in the State of Louisiana? And state at whose house and in what parish. And state, especially, if any preparations were made for the wedding at that place? and if so, why was the place changed and the marriage celebrated elsewhere?

9th. State specially if the place of the wedding was changed in order that the laws of the State of Mississippi might control the property consequences of the marriage? Or was any such result spoken of or looked to as a reason why the place of marriage was changed from Louisiana to Mississippi? State fully.

10th. Had Henry L. Conner any house or homestead of his own when he married the plaintiff?

11th. State, if you know, how much land Henry L. Conner owned at the time of his marriage, and whether it had any gin-mill, dwelling-house, or other improvements thereon? And in whose house did he live? And where did he gin his cotton for the first four or five years after his marriage?

12th. State specially, if you do not know that said Henry L. Conner, from the time of his marriage and for several years afterwards, contemplated a removal from the place he occupied to settle a plan-

tation elsewhere? And with this view did he not make inquiries for suitable lands to purchase and settle on? And to what State did he propose to make the change? Please state all you know or have heard from him on this subject.

13th. How many slaves had Henry L. Conner at the time of his marriage, and what their quality and value? How many survive, and had they any natural increase?

14th. What other property or money had he at the time of his marriage?

15th. Did you ever hear from Henry L. Conner how much of property or money he received of his wife's inheritance in Louisiana? And did you ever hear him say how he disposed of or invested the money so received? And, if invested in lands, state fully and at large, what lands were they, and where situated; and, if invested in slaves, state, if you know, what slaves, their number and sex, and their present number, with their natural increase, and where said slaves now are. Did he or not receive a stock of horses by his wife?

16th. Did you ever hear Henry L. Conner recognize and admit any rights his wife had in and to the property in his possession? and, if yea, state what he said, and to what extent he admitted such right, and on what grounds he admitted it. State fully, and state what was the character of the plaintiff as a housewife and manager for energy, industry, and economy.

17th. Describe briefly the extent and character of the house, garden, and grounds occupied by Henry L. Conner at the time of his death, and what the ordinary number of slaves kept as domestics in and about the house, who did not labor in the field. Did he provide for his family generously and comfortably? and did he keep a carriage for his wife and family?

18th. Are the same premises now set off to the use and enjoyment of the plaintiff, his widow, as dower?

19th. Do you know the number and the quality of slaves set off to Mrs. Conner as her distributive share in the Mississippi plantation? and then state how many of these are necessary as house domestics, to enable Mrs. Conner to live in the style of comfort which she was accustomed to enjoy as the wife of Henry L. Conner; and then state, also, how much would be a fair average income which she could realize from the productive industry of those slaves which could be conveniently spared from the domestic service of the house.

20th. State, if you know, what was the ordinary number of bales of cotton produced annually by Henry L. Conner for four or five years before his death on both his plantations, and what the ordinary products and proportion of each?

21st. If you know anything further in and about the subjects inquired of, and material to the issue in this case, please set it forth fully in answer to this general interrogatory.

JOHN HENDERSON,
Att'y for Plaintiff.

Thomas P. Farrar, one of the Attorneys for Plantiff, makes oath, that said plaintiff is absent from the State of Louisiana, that the witnesses, James Metcalf, Sarah W. Metcalf, Mrs. Mary Ker, and Frances Sprague, of Mississippi, are, to the best of his knowledge and belief, material and important witnesses for said plaintiff in said cause.

THOS. P. FARRAR.

Sworn to and subscribed before me, this 8th March, 1853.

F. L. GLOVER,
Clerk.

The foregoing affidavit considered, plaintiff prays that a commission may issue directed to William G. Coffin or Robert W. Wood, at Natchez, Mississippi, special Commissioners, to take the depositions of said witnesses, returnable instanter.

HENDERSON & FARRAR,
Att'ys for Plaintiff.

Let a Commission issue as prayed for, returnable as prayed for.

F. L. GLOVER,
Clerk.

Filed March 8, 1853.

F. L. GLOVER,
Clerk.

Received 12 March, 1853, and served on 15th March, 1853, by handing a certified copy of the within interrogatories, affidavit, and annexed prayer and order, to L. P. Conner, under-tutor to the minor, Louisa R. Conner, in this Parish.

W. R. C. VERNON,
Sheriff Parish of Concordia.

Received 12 March, 1853, and served on 12 March, 1853, by handing a certified copy of the within interrrogatories, affidavit, prayer, and order, to Henry B. Shaw, Esq., Curator *ad hoc*, to represent the absentees, Susan L. Brickle and her husband, D. W. Brickle, Mary S. Blake and husband, Benson Blake, and the minor, Louisa R. Conner, in person, in this Parish.

W. R. C. VERNON,
Sheriff Parish of Concordia.

Received, Parish of Orleans, March 21st, 1853, and on 22d of same month served copy of within interrogatories, &c., on Mrs. Evelina B. Castillo, for self and husband, at their domicil, No. 98 Ursuline Street, City of New Orleans, in person.

Returned March 22d, 1853.

E. SAMPSON,
D'y Sheriff Parish of Orleans.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, Widow of Henry L. Conner, dec'd,
vs.
THE ADM'R AND HEIRS OF H. L. CONNER, dec'd, AND GEO. M. MARSHALL.
No. 542.

To Wm. C. Coffin or Robert W. Wood, Special Commissioners, or any Judge or Justice of the Peace in and for the City of Natchez and State of Mississippi, Greeting:

Know ye, that reposing confidence in your prudence and fidelity, we do authorize and appoint you to take the answers of Dr. James Metcalf and wife, Sarah W. Metcalf, Mrs. Mary (widow of Dr. Ker,) and Mrs. Frances Sprague, residing in Adams County, Mississippi, to the annexed interrogatories: said answers to be used in evidence on the trial of the above cause in said Court, wherein Susan E. Conner, widow, &c., plaintiff, and Administrator and adminstrators and Heirs of H. L. Conner *et al.* defendants: and we do command you, that you cause the before named witnesses to come before you, and after swearing them on the Holy Evangelist of Almighty God, true answers to make to the said interrogatories, that you do examine and take down their answers in writing to the interrogatories hereunto annexed, and that you do cause the said witnesses to sign their depositions in your presence, and that afterwards you draw up a *proces verbal*, or certificate of your doings herein, and sign and seal the same with your seal of office; and we do further command you to annex the said depositions and your *proces verbal* of the taking thereof, to this commission and interrogatories, and send the same, carefully enclosed and sealed, directed to the Clerk of said Court, at St. Joseph, Parish of Tensas, Louisiana, instanter.

Witness the Honorable ALONZO SNYDER, Judge of said
[L. S.] Court, and the seal thereof, at St. Joseph, this 6th day of July, A. D. 1853.

F. L. GLOVER,
Clerk of said Court.

THE STATE OF MISSISSIPPI,
Adams County:

The deposition of James Metcalf, taken before Wm. C. Coffin, Special Commissioner, this 20th day of July, 1853, in pursuance of the annexed commission, and interrogatories and cross-interrogatories, to be read in evidence in behalf of plaintiff, on the trial of a certain cause now pending in the Tenth District Court of the State of Louisiana, for the Parish of Tensas, wherein Susan E. Conner, widow, &c., is plaintiff, and the Administrator and Heirs of Henry

L. Conner, deceased, are defendants. Witness being first duly sworn, deposes as follows:—

Answer to interr. 1st. Witness states that he has known plaintiff intimately since 1817, at which time he married her older sister, Sarah W.

Answer to inter. 2d. Witness was not acquainted with the parents of the plaintiff. The father of plaintiff resided in the Parish of St. Mary's at the time of his death, and was on a visit to Tenn., where he died, in March, 1816. Alexander Porter, Jr., was the guardian of plaintiff, and resided at St. Martinsville, Attakapas.

Answer to int. 3d. Plaintiff inherited a child's portion of her father's estate, being one-ninth ($\frac{1}{9}$). She also inherited from her brother, Anthony W. Baker, and her sister, Mrs. Louisa R. Morton, the value of which can be made more fully appear by reference to the settlement of the plaintiff's guardian, in the proper Court of Louisiana.

Answer to int. 4th. Witness states that he knew Henry L. Conner in his lifetime (from the time of his marriage to the period of his demise), intimately, and that he died at Berkeley, his last residence, in Adams County, and that he was the husband of the plaintiff.

Answer to inter. 5th. I was. He was married at my house, on the 25 May, 1824.

Answer 6th. Answers, about 17 years.

Answer 7th. I do. It was first contemplated to take place at the residence of Dr. Jno. Ker, of Good Hope, Concordia Parish, and witness understood and believes that preparations therefor were made, but in consequence of the high water of the Mississippi, which prevailed at the time, rendering Good Hope difficult of access, it was determined to have the marriage celebrated at my house, where the plaintiff was on a visit. I do not believe that any idea was entertained by the parties that a change of the place of marriage was to effect in anywise the property consequences of the marriage. On all occasions, from the date of the marriage to the death of Mr. H. L. Conner, he was in the habit of speaking of the separate property of his wife.

Answer 8th and 9th. Answered by 7th.

Inter. 10th. Answer. He had not.

Inter. 11th. Answer. About 300 acres; his share of the Oak Hill tract, without improvements of any kind, with the exception of a little cleared land. After his marriage he resided at Oak Hill, the family mansion, which was allotted to Tacitus G. Conner, his youngest brother, and until he built a gin, used that belonging to Oak Hill.

Int. 12th. Answer. He spoke frequently of a wish to purchase land in Attakapas, whither he doubtless would have moved, before he enlarged his possessions by purchase on 2nd Creek.

Int. 13th. Answer. All natives of the County, and most of them

valuable as field hands; of this number nine survive. They had no increase, there having been but one woman not too old to bear children, and that one died early, having no child.

Int. 14th. Answer. I knew of no other.

Int. 15th. Answer. Often. It was a subject of frequent conversation, and one he liked to dwell on, but I cannot state now how much money was received, nor do I know what land or negroes was purchased with it. He always spoke of William, the carpenter, as his wife's property. He received a stock of horses that was presented to his wife by her brother, Louis Baker, valued at about $250; know in the neighborhood as the "Peter Robb stock."

Int. 16th. Answer. Frequently, and I have no doubt, that at all times he considered his wife entitled to all the property she brought in marriage, with its increase. He was an honest man. As a housewife and manager *and manager* unexceptionable, and not often equalled.

Int. 17th. Answer. Berkley, the late residence of H. L. Conner, is a large and commodious frame dwelling, with all necessary offices and out-buildings, with an extensive garden and ornamental grounds, suited to the taste and circumstances of a southern planter, requiring much labor to keep it in good condition. I would say from ten to fifteen domestics would be required, to keep it in the condition it was during the lifetime of Mr. Conner. He provided liberally for his family, and kept a carriage or carriages for his wife and family.

Int. 18th. Answer. Yes.

Int. 19th. I have heard the number stated, and know most of the slaves, and think with ordinary management it would require nearly the entire number to sustain the house and grounds in their wonted condition, and enable the widow to live comfortably.

Int. 20th. Answer. I do not.

Int. 21st. Answer. Nothing further.

JS. METCALF.

Sworn to and subscribed before me, July 20, 1853.

WM. C. COFFIN. [SEAL.]

I certify that the foregoing deposition was taken on the day above stated, written by said deponent and by him subscribed in my presence.

WM. C. COFFIN, [SEAL.]
Special Commissioner.

THE STATE OF MISSISSIPPI,
Adams County:

The deposition of Mrs. Sarah W. Metcalfe, taken before Wm. C. Coffin, Special Commissioner, this 20th day of July, 1853, in pursuance of the annexed commission, interrogatories and cross-interrogatories to be read in evidence in behalf of the plaintiff in a certain cause now pending in the Tenth District Court of the State of

Louisiana, for the Parish of Tensas, wherein Susan E. Conner, widow, &c. is plaintiff, and the Adm'r and Heirs of H. L. Conner, deceased, are defendants.

Witness being first duly sworn, deposeth as follows:—

Answer to int. 1st. Witness states that she has known plaintiff since her birth, which was on the 15th of April, 1807. Witness is intimately acquainted with plaintiff. Witness and plaintiff are sisters. Witness had charge of plaintiff for many years, from her birth until she was grown.

Answer to int. 2d. Witness states that she knew the parents of plaintiff. The last residence of plaintiff's father was in the Parish of St. Mary's County, Attakapas, Louisiana; he died in Nashville, Tennessee, on the 14th March, 1816. Plaintiff was born in 1807, April 15th, and was nine years old, or thereabouts, when her father died. Alexander Porter, Jr., Esq., was her guardian; he resided in St. Martinsville, Parish of St. Martin, State of Louisiana.

Answer to int. 3rd. Plaintiff inherited the 9th part of her father's estate; she also inherited property from her brother, Anthony W. Baker, and Louisa R. Morton, the value of all which can be seen by reference to the settlement of plaintiff's guardian in the proper Court, in Louisiana: the property consisted in land and negroes. Plaintiff's guardian had the custody and possession of said estate in the State of Louisiana.

Answer to 4th int. Witness knew H. L. Conner in his lifetime; he lived and died in Adams County, Mississippi; he was the husband of the plaintiff, Susan E. Conner.

Answer to 5th int. Witness states that Henry L. Conner were married at her house, in Adams County, on the 25th May, 1824; witness was present at the wedding.

Answer to int. 6th. Plaintiff was seventeen years of age when she was married to said Henry L. Conner.

Answer to 7th int. Witness states that said wedding did not take place where first agreed upon. The principal reason was on account of the high water at the time of the marriage. Plaintiff was a member of Dr. Ker's family, having been placed in his custody by her guardian, and she would have been at Dr. Ker's, in Louisiana, but for the high water, which prevented access to his residence.

Answer to 8th int. Witness states, that the place appointed by and with the consent of all parties concerned or interested for the wedding, was at Dr. Ker's residence in Louisiana, Parish of Concordia, and witness states that she understood preparations were made for the wedding to take place at Dr. Ker's; the reason why the place was changed, was owing to the high water rendering Dr. Ker's residence inaccessible.

Answer to int. 9th. Witness states, that she does not know of any such reason for changing the place of the wedding.

Answer to int. 10th. Witness states, that Henry L. Conner, at

the time of his marriage with plaintiff, had no homestead or house of his own.

Answer to int. 11th. Witness states, that said Henry L. Conner had a tract of about 300 acres of land with no improvements thereon; said Henry L. Conner lived at his brother Tacitus G. Conner, and for the first few years after he was married, ginned his cotton at the gin of said Tacitus G. Conner.

Answer to 12th int. Witness states that said Henry L. Conner contemplated at the time of his marriage, and for several years afterwards, a removal to the State of Louisiana. Witness states, that she has often heard said Conner speak about going to Louisiana to live.

Answer to 13th int. Witness thinks that said Henry L. Conner had from 17 to 20 negroes at the time of his marriage; said negroes were Creoles, and accustomed to the raising of cotton, corn, &c. Witness has understood that there are about 8 or 9 of said negroes still living; Dinah, the only woman who had any children, died, and her children also died.

Answer to 14th int. None that witness knew of.

Answer to 15th int. Witness states, that she has heard but does not recollect the amount, nor how it was invested; Witness has heard Henry L. Conner say, that he had bought William for Susan E. Conner, his wife, with her money, for a dining-room servant, but Mrs. Conner made him learn the carpenter's trade; but witness does not recollect what property or negroes were purchased by Henry L. Conner with his wife's inheritance.

Answer to 16th int. Witness states, that she has heard Henry L. Conner say, that he had given his wife the negro man William for a dining-room servant, and he had made a carpenter of him, but cannot recollect much as to what Mr. Conner admitted to be his wife's property. Plaintiff's character for energy, industry, and economy, was as good as could be.

Answer to 17th int. The house Henry L. Conner lived in at the time of his death, was a large fine house, finely furnished, fine garden and grounds, and as far as witness can understand, there were about the premises ordinarily from ten to twelve servants, who did not labor in the field; he did provide for his family most generously and comfortably, and also kept carriages for the use of his wife and family.

Answer to 18th int. The same premises are now set off to the use of plaintiff as her dower in Mississippi.

Answer to 19th int. Witness does not recollect the number or quality of the negroes set off to Mrs. Conner as her portion of the Mississippi plantation, and cannot state as to the rest of this interrogatory.

Answer to 20th int. Witness states that she does not know.

Answer to 21st int. Witness knows nothing further material in the case.

And further deponent says not.

S. W. METCALFE.

Sworn to and subscribed before me this 20th July, 1853.

WM. C. COFFIN. [SEAL.]

And the above and foregoing examination having been carefully read, and understood by the deponent, and subscribed by her, it is certified under my hand and seal the day and year first above written.

WM. C. COFFIN, [SEAL.]
Special Commissioner.

THE STATE OF MISSISSIPPI,
Adams County:

The deposition of Mary Ker, taken before Wm. C. Coffin, Special Commissioner, this fifteenth day of August, A. D. 1853, in pursuance of the annexed commission, and interrogatories and cross-interrogatories, to be read in evidence on the trial of a certain cause, now pending in the Tenth District Court of the State of Louisiana, for the Parish of Tensas, wherein Susan E. Conner, widow, &c. is plaintiff, and the Adm'r and Heirs of Henry L. Conner, dec'd, are defendants, on behalf of plaintiff.

Witness being first duly sworn, deposes as follows:—

Answer to int. 1st. I have known Susan E. Conner from her birth, never having been separated more than two years during her life. She is my sister, being four years my junior. Since her marriage with Mr. Conner, we have lived near each other, and we have known each other intimately.

Answer to interr. 2d. Mrs. Conner's father was my father, and he last resided in Attakapas, St. Mary's Parish, Louisiana. He died at or near Nashville, in March, 1816, while on his way to Kentucky, to place Mary Baker (now Mrs. Ker) and Anthony W. Baker (who died in Norfolk, Virginia, in 1825) at school. Mrs. Susan E. Conner was born April 15th, 1807. Col. Joshua Baker was about 56 years of age at the time of his death. Judge Alexander Porter was her guardian, and continued to be until her marriage in 1825.

Answer to int. 3d. Mrs. Conner inherited at the division of her father's estate about $5000. There were some of her father's lands unsold, which were sold afterwards; at one time, I think I received as my portion of land sold about $300, and at the sale of the Petite Ana place, my portion was upwards of $900. Then again, the Bayou Sally land was sold, and each heir received $200. Mrs. Conner was also entitled to an eighth of Anthony W. Baker's estate.

All of her property before marriage was in Louisiana, in her guardian's, Judge Porter's hands.

Answer to int. 4th. I did know Henry L. Conner slightly for some years, and intimately some months before he was married. He lived and died on his place in Adams County, Mississippi, and he was the husband of Susan E. Conner.

Answer to 5th inter. I was at the marriage of Mrs. S. E. Conner; she was married at Dr. James Metcalfe's, on Second Creek, Adams County, Mississippi; she was married by Judge Winston on the 25th of May, 1825.

Answer to 6th int. Susan E. Baker was 17 years old on the 15th April, 1825, and was married on the 25th May, 1825.

Answer to int. 7th. From the time of Susan E. Baker's return from School at the North, in October, 1822, her guardian placed her under the care and in the family of Dr. John Ker, of Concordia Parish, Louisiana, where she continued to live until she was married. I made all the preparations for her wedding, and she was to be married at my house, at "Good Hope," Concordia Parish, Louisiana; but as the country at that time was overflowed, and the only communication with our place was by water, the Judge, Winston, and Mrs. Conner's friends saw that it was impossible for them to reach our house, as small boats could not be had: it was determined that we would all go to Second Creek, to Dr. Metcalfe's, and have the wedding there, although Metcalfe was at the time confined to her bed, and unable to witness the ceremony.

Answer to int. 8th. This query is answered in answer to 7th interrogatory.

Answer to int. 9th. The place was not changed from Louisiana to Mississippi to bring the property under Miss. law, but for reason stated in answer to 7th int. Judge Porter wished Susan E. Baker to be married at the house of Dr. Ker, in the parish of Concordia, and he so stated in a letter to Dr. Ker.

Answer to int. 10th. Henry L. Conner after his marriage lived at Oak Hill, his mother's residence, but my impression is, that the house did not belong to him, but to his brother Tacitus.

Answer to int. 11th. I know nothing about it.

Answer to int. 12th. Mr. Conner did speak of buying a plantation in Louisiana very soon after his marriage, and he was for some time talking of buying the Wilson tract of land from Dr. Ker, which adjoined the place where we lived, and he spoke of going there to live. H. L. Conner afterwards bought his Arcole Place and built a house there, intending to live there a portion of the year.

Int. 13th & 14th. I know nothing about.

Answer to int. 15th. Henry L. Conner did receive of Judge A. Porter in 1825 all the money he had in his hands as guardian of my sister, S. E. Conner; the exact amount I do not know, but it was a little over or under $5,000. H. L. Conner must have received in all in money belonging to my sister seven thousand dollars. With

the first money, or part of it, he purchased slaves, but I distinctly recollect only one, a yellow boy, by the name of William. Mr. Conner gave this boy to my sister for a dining-room servant, and he was so employed at first, but Mr. Conner finding him to be intelligent, took him from the dining-room and made a carpenter of him. He always spoke of William as belonging to my sister. Of the horses I know nothing, except what I have heard others say.

Answer to int. 16. I have often heard Mr. Conner speak of my sister's right to half of his Arcole Place in Louisiana, and he has often said he never intended his wife should be dependent on her children, but that the children should be dependent upon their mother, and in case of his death, he has often said, he did not want any better manager for his property than his wife. He had the most unbounded confidence in her business habits. She was most industrious, and unsurpassed as a housewife and manager, with untiring energy, industry and economy, and withal most generous and kind to all around about her.

Answer to int. 17th. Mr. H. L. Conner occupied his Berkley House at the time of his death; the house contained 13 rooms, all handsomely furnished; his grounds and garden were very extensive, and always kept in good order, and he generally kept from 15 to 20 servants about the house. He was a most liberal provider and his house was furnished with many luxuries; for 2 or 3 years before his death he kept two carriages for his family. He has often said in my presence that he did not care to hoard up money, and that he was determined as long as he lived to provide his family with every comfort money could buy; and he did this fully.

Answer to 18th int. Berkley is set apart in her dower.

Answer to int. 19th. The negroes received by my sister in the division I have seen, but I could not now point them out; but this I know, that they would not equal the house servants that were about the house at the time of Mr. Conner's death.

Answer to int. 20th. I cannot state the number of bales made on Mr. Conner's two places, but I know that for some years he made as large and sometimes larger crops than Dr. Ker.

Answer to 21st int. I know nothing further.

MARY KER.

Sworn to and subscribed before me, Aug. 15, 1853.

W. C. COFFIN, [SEAL.]
Special Commissioner.

And the foregoing depositions having been carefully read to and understood by the deponent, and subscribed by her, it is certified under my hand and seal the day and year named in the caption.

W. C. COFFIN, [SEAL.]
Special Commissioner.

Returned, opened, and filed Nov. 24, 1853.

F. L. GLOVER,
Clerk.

Filed March 27, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
Dep. Clerk.

(*E.*)

TENTH DISTRICT COURT
for Parish of Tensas:

SUSAN E. CONNER, widow of H. L. Conner, dec'd,
vs.
BRICKLE AND WIFE AND OTHERS, heirs of Henry L. Conner, dec'd.

Interrogatories propounded to Stephen Duncan, Esq., Dr. James Metcalf, and Mrs. Mary Ker, of Adams County, Mississippi, witnesses for the plaintiff in this cause, and whose answers, when obtained, are intended to be used in evidence on trial thereof.

Int. 1st. Are you acquainted with the parties to the above entitled cause, and how long have you known them?

2d. Were you acquainted with Henry L. Conner during his life? and if yea, state what were his circumstances, his condition of life, and manner of living.

3d. Do you know what portion of his estate left in Mississippi has been inherited and set off to his widow, the plaintiff herein? Please specify; and then state, from what you know of her home establishment, the slaves she received in distribution, and the number of those requisite as domestics to keep up the house and grounds in the style she was accustomed to live as the wife of Henry L. Conner and the mother of her children; if her portion so derived is at all adequate to support her in like comfort and condition now.

4th. Have you not reasons to know and believe, and state what those reasons are, that Henry L. Conner never intended or expected to leave his widow so destitute as her condition has been rendered, by limiting her interests to the portion accorded to her from his Mississippi estate, without participation in his Louisiana estate?

5th. Have you not, under the impression the plaintiff had no legal rights or interests in her deceased husband's estate in Louisiana, interested yourself by friendly advice and suggestions to have her support and revenues amicably increased from the Louisiana estate? And with what success?

6th. Do you or not know that the plaintiff, from the period of her husband's death, has uniformly and zealously maintained that she was justly and equitably entitled, as a widow of the State of Mississippi, to the same rights and interests in the estate of which her

husband died possessed in the State of Louisiana, as if she had been left his widow in the latter State? and has she not, during all her widowhood, persevered unremittingly in asserting this right?

7th. Do you or not well know that the Administrator of the Louisiana estate, Wm. St. John Elliot, and all her children, and her attorneys, and friends and acquaintances generally, have known and recognized the plaintiff's continuous assertion of this her alleged right? and have you not reasons to know, and state your reasons, that her children and the husband of such of them as are married, have not been led to believe that in accepting the office of Tutrix to her children she was renouncing, or intended to renounce, her said claim as widow, or that in the judicial proceedings had in her name as Tutrix she intended to relinquish or prejudice her said claim?

8th. Do you or not know why the plaintiff undertook to act as tutrix to her children? And whether or not, she did not specially inquire if her doing so would compromit her asserted claim as widow?

9th. Do you know anything of an understanding or agreement had between Mr. Elliott, the administrator and the plaintiff herein, upon the subject of a purchase of slaves by the adm'r for the use of the Louisiana estate in 1850, and was there or not any stipulation how such purchase should affect the right this plaintiff then (as now) asserted to the estate in Louisiana? State fully.

10th. Do you or not know, and how and from whom, that the sale of the Louisiana plantation, called "Arcole," to George M. Marshall was a private sale made by the major heirs, defendants herein, without concurrence with the minor heirs and this plaintiff; if yea, state who made said sale, and what were its terms, and at what price?

11th. Did you or not hear of this private sale before the public sale day appointed for said plantation, and how long before, and from whom?

12th. Do you know the probable or expressed reason or motive of your informant, for telling you that such private sale had been made?

13th. Had you not, before this information, entertained the purpose of attending said sale and bidding for the property, and did not this information have some influence in discouraging or preventing you therefrom?

14th. Do you know anything further material to the issue of this controversy? if yea, set it forth in full in answer to this interrogatory.

ANDERSON & FARRAR,
Attorneys for Plaintiff.

Thomas P. Farrar, one of plaintiff's counsel in the above styled suit, makes oath that, to the best of his knowledge, information, and

belief, the foregoing named witnesses are material, important, and necessary witnesses for said plaintiff, in order to assist her to establish her demand.

THOS. P. FARRAR.

Sworn to and subscribed before me this 5th January, 1854.

F. L. GLOVER,
Clerk.

Plaintiff prays that a commission may issue, to take the depositions of the witnesses named hereinbefore, Dr. Duncan, Dr. Metcalfe, Mrs. Metcalfe, and Mrs. Ker in Mississippi, and that said commission be directed to Wm. C. Coffin as special commissioner, and be made returnable on or before the first Monday in April, A. D. 1854.

THOS. P. FARRAR,
Attorney for Plaintiff.

Let a commission issue, directed and returnable as prayed for.
Jan'y 5, 1854.

F. L. GLOVER,
Clerk.

Filed, January 5th, 1854.

F. L. GLOVER,
Clerk.

Rec'd 7th February, 1854, and served on same day, month, and year by handing a certified copy of the within interrogatories, affidavit, prayer, and order to H. B. Shaw, Esq., Curator *ad hoc*, and attorney for defendants in person in this parish.

W. R. C. VERNON,
Sh'ff.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, widow of H. L. Conner, dec'd,
vs.
BRICKLE & WIFE AND OTHER HEIRS OF HENRY L. CONNER, dec'd. } No. 542.

To James H. Veazie, or Wm. C. Coffin, special commissioner in and for Adams County, and State of Mississippi, greeting:

Know ye, that reposing confidence in your prudence and fidelity, we do authorize and appoint you to take the answers of Stephen Duncan, Esq., Dr. James Metcalfe, Mrs. S. W. Metcalfe, and Mrs. Mary Ker, residing in Adams County, to the annexed interrogato-

ries. Said answers to be used in evidence on the trial of the above cause in said court, wherein Susan E. Conner, widow of H. L. Conner, deceased, plaintiff, and Brickle and wife and others, heirs of Henry Conner, deceased, defendants; and we do command you, that you cause the before-named witnesses to come before you, and after swearing them on the Holy Evangelist of Almighty God, true answers to make to the said interrogatories, that you do examine and take down their answers in writing to the interrogatories hereunto annexed, and that you do the said witnesses to sign their depositions in your presence, and that afterwards you draw up a *proces verbal* or certificate of your doings herein, and sign and seal the same with your seal of office; and we do further command you to annex the said deposition and your *proces verbal* of the taking thereof to this commission and interrogatories, and send the same carefully inclosed aud sealed, directed to the clerk of said court at St. Joseph, Parish of Tensas, Louisiana, on or before the first Monday in April, A. D. 1854.

Witness the Honorable Alonzo Snyder, Judge of said [L. S.] Court, and the seal thereof, at St. Joseph, this eleventh day of March, A. D. 1854.

F. L. GLOVER,
Clerk of said Court.

By WM. H. GARRETSON,
Dep. Clerk.

IN TENTH JUDICIAL DISTRICT,
Parish of Tensas, State of Louisiana:

SUSAN E. CONNER, widow of Henry L. Conner, dec'd,
vs.
BRINCKLE AND WIFE AND OTHERS, heirs of Henry L. Conner, dec'd.

Stephen Duncan, Mrs. Mary Ker, Mrs. S. W. Metcalfe, and James Metcalfe, answers to interrogatories propounded to them in the above entitled cause, to be used as evidence on the trial of the said cause, in the said court.

Stephen Duncan, Esq. being first produced and sworn, answers and says as follows, viz:

Answer to interrogatory 1st. Deponent answers in the affirmative.

Answer to interrogatory 2d. Deponent answereth he was acquainted with Mr. Conner, and that he was in good circumstances, and lived in the style of a gentleman.

Answer to interrogatory 3d. Deponent does not know what part of his estate in Mississippi has been set apart to his wife, and knows nothing of her house establishment, or slaves received in distribution.

Answer to 4th interrogatory. Deponent knows nothing of the intentions or expectations of the late Mr. Conner in regard to his wife.

Answer to interrogatory 5th. Deponent answereth, that from common report he was induced to think the portion of the estate in Mississippi which the plaintiff would be entitled to, would not be adequate to her support, in the style in which she had lived with her husband. Deponent never (to his recollection now) suggested any additional support from the Louisiana estate, but did suggest to the administrator, Mr. Elliot, that some additional allowance should be made to her from the estate in this State—to which he assented, provided it could be legally done; but he afterwards informed me, no mode had been, or could be suggested, by which this could be accomplished without committing himself as administrator.

Answer to interrogatory 6th. Deponent answers that he knows nothing of his own knowledge of the plaintiff's intentions; he knew from common rumor—and probably too from some of the connexions of the family—some time after the death of Mr. Conner, that plaintiff intended to claim an interest in the Louisiana estate. This was in the winter—after the death of Mr. Conner, as well as deponent now recollects.

Answer to interrogatory 7th. Deponent answereth, that he has no recollection of ever having heard the children of plaintiff speak of their mother's affairs, nor has he ever heard the husbands of those who are married speak of them. Deponent has heard the administrator, Dr. St. John Elliott, speak of plaintiff's intention to claim an interest in the Louisiana property. Deponent knows nothing of plaintiff's views or intentions in the judicial proceedings referred to.

Answer to interrogatory 8th. Deponent answereth that he knows nothing of the intentions or designs of the plaintiff in assuming the appointment of tutrix to her children.

Answer to interrogatory 9th. Deponent answereth that he knows nothing, of his own knowledge, of an understanding with the administrator in regard to the purchase of negroes. He has heard Dr. Metcalfe ask the administrator if there was a written agreement on the subject; and the administrator answered, there was not; her assent was given in a letter addressed to him.

Answer to interrogatory 10th. Deponent answereth that he heard L. P. Conner say, some weeks before the date of the public sale, that Mr. Marshall had purchased at private sale the interest of Blake, Brickle, and Castillo in the Arcole estate. This information induced him, at *first*, not to be a bidder for it; but subsequently, having heard that Mr. Marshall would probably not bid over $120,000 at the public sale, he determined to attend to the public sale and be a bidder; but subsequent occurrences, wholly unconnected with the report of the private sale to Mr. Marshall, induced him to abandon the idea of purchasing or bidding for the property.

Answer to interrogatory 11th. Deponent answereth that he had

no other information that that detailed in his answer to the 10th interrogatory.

Answer to interrogatory 12th. Deponent answereth that he had spoken to Mr. Conner to bid for him at the sale, if he (deponent) was not present, and authorized him to bid as high as $100,000, and presumes it was this that induced Mr. Conner to inform him of the reported private sale.

Answer to interrogatory 13th. Deponent answereth that this interrogatory is answered in his replies to the 11th and 12th interrogatories.

Answer to interrogatory 14th. Deponent answereth that he knows nothing material to the issue in controversy, further than what is detailed in his foregoing answers.

STEPHEN DUNCAN.

Sworn to and subscribed before me, this 17th day of March, 1854, by the deponent, Stephen Duncan.

R. W. WOOD. [SEAL.]

Mrs. Mary Ker, being next produced and sworn, answers and says as follows:—

Answer to interrogatory 1st. I am acquainted with all the parties to the above entitled cause, some of them I have known for many years.

Answer to interrogatory 2d. I was acquainted with Henry L. Connor in his lifetime. I knew him previous to his marriage and up to the time of his death; he lived in handsome style, and had the largest establishment in the country. He kept two carriages in the latter years of his life; and in his house and grounds he kept from fifteen to twenty servants, and I have heard him say that his expenses was not less than five thousand dollars per year, independent of his plantations.

Answer to interrogatory 3d. I have understood the property in Mississippi, set apart to the plaintiff herein, would not exceed in value the sum of ten thousand dollars; her house establishment has been much reduced; she had only four house servants at present, and two of which the plaintiff purchased; she has at no time since the death of Mr. Connor had the number of servants that was requisite to keep up the house establishment and the yards that she had been accustomed to previous to the death of Mr. Conner, and that all the servants she received as her portion would not have been adequate to have kept up the house establishment and yards in the style that they were kept during the lifetime of Mr. Conner.

Answer to interrogatary 4th. I have frequently heard Mr. Conner say, in conversing with Dr. Ker about making their wills, that he intended to leave his wife independent of her children, and that he knew his wife was entitled to one-half of the Louisiana estate, and

vested it all in the Mississippi estate, as he wanted her to have it, and never to go out of her hands.

Answer to interrogatory 5th. I always contended that the plaintiff had legal rights in her deceased husband's estate in Louisiana; but I believe she would have compromised those rights with the parties interested, if they had placed her in easy circumstances.

Answer to interrogatory 6th. I do know that the plaintiff has from her husband's death uniformly and zealously maintained that she was justly and equitably entitled, as a widow of the State of Mississippi, to the same rights in the estate of which her husband died possessed in the State of Louisiana, as if she had been left his widow in the latter State. She has always asserted this right. I do know that it was from the proceeds of the Mississippi estate that stocked and were used in the purchase and opening the Louisiana estate.

Answer to interrogatory 7th. I understood from the plaintiff previous to her being appointed Tutrix to her children; that by her accepting said office of Tutrix, that it would not in no way prejudice her said claim to the Louisiana estate.

Answer to interrogatory 8th. I infer the plaintiff undertook to act as Tutrix to her children, as he could do better by them than any other person.

Answer to interrogatory 9th. I know nothing in regard to this interrogatory.

Answer to interrogatory 10th. I know nothing in regard to this interrogatory.

Answer to interrogatory 11th. I know nothing in regard to this interrogatory.

Answer to interrogatory 12th. I know nothing in regard to this interrogatory.

Answer to interrogatory 13th. I know nothing in regard to this interrogatory.

Answer to interrogatory 14th. I know nothing further, except that in giving my deposition in this cause in August last, I state that the marriage between Henry L. Conner and the plaintiff took place on the 25th day of May, in the year 1825. I now correct said mistake by stating that said marriage took place on the 25th day of May, in the year 1824; at the time of said marriage, and previous thereto, Judge Porter was guardian of plaintiff, and plaintiff, up to the time of her marriage, was living with witness in Concordia Parish, State of Louisiana; and Judge Porter desired that said marriage should take place at the house of witness in said State of Louisiana, and it was so understood that it should so take place; but a few days before the day appointed for said marriage, without the knowledge or consent of Judge Porter, plaintiff's guardian, it was arranged that said marriage should take place in Mississippi, for the convenience of the friends of Mr. Conner.

MARY KER.

Sworn to and subscribed before me, by Mrs. Mary Ker, this 17th day of March, 1854.

[SEAL.] R. W. WOOD.

Mrs. S. W. Metcalfe, being next produced and sworn, answers and says as follows, viz:—

Answer to interrogatory 1st. I am acquainted with the parties to this suit. I have known the plaintiff since her birth, and also the heirs of Henry L. Conner, deceased. I am slightly acquainted with Mr. Brickle, Blake, and Castillo.

Answer to interrogatory 2d. I was acquainted with Henry L. Conner, I first became acquainted with him about the year 1824, and knew him from that period up to the time of his death; he entertained much company and lived in the style of a gentleman.

Answer to interrogatory 3d. I know that since the death of Henry L. Conner, dec'd, the plaintiff has practised the most rigid economy, and lived altogether in a different style that she was accustomed to previous to the death of her husband.

Answer to interrogatory 4th. Mr. Conner spoke of making a will before his death; and witness believes, that it was his intention to have left his wife entirely independent of her children.

Answer to interrogatory 5th. I know nothing in regard to this interrogatory except that the plaintiff seemed to be as much interested in the Louisiana estate as in the Mississippi estate, previous to the death of Mr. Conner.

Answer to interrogatory 6th. The plaintiff has uniformly asserted her right since the death of Mr. Conner up to the present time, to the estate in Louisiana, and contended that she is entitled to the same rights to the estate in Louisiana that she is to the estate in Mississippi.

Answer to interrogatory 7th. The plaintiff herein informed witness that she had the advice of legal authority, that by her accepting the office of Tutrix to her children that it would not prejudice her claim to the Louisiana estate, and was advised to do so, as the fees of Tutrix to her children would be an income to her.

Answer to interrogatory 8th. This interrogatory is answered in my answer to my last interrogatory.

Answer to interrogatory 9th. I know nothing in regard to this interrogatory.

Answer to interrogatory 10th. I know nothing in regard to this interrogatory.

Answer to interrogatory 11th. I know nothing in regard to this interrogatory.

Answer to interrogatory 12th. I know nothing in regard to this interrogatory.

Answer to interrogatory 13th. I know nothing in regard to this interrogatory.

Answer to interrogatory 14th. I know nothing further to the issue of this controversy.

S. W. METCALFE.

Sworn to and subscribed before me this 18th day of March, 1854.

R. W. WOOD. [SEAL.]

Dr. James Metcalfe being next produced and sworn, answers and says as follows, viz:—

Answer to interrogatory 1st. I am acquainted with the parties, and have known them from an early period of their lives.

Answer to interrogatory 2nd. I was acquainted with Henry L. Conner, previously to his marriage with Susan E. Baker, and lived a near neighbour to him until his decease. He had accumulated quite a good estate, and lived as became a liberal man and a gentleman.

Answer to interrogatory 3rd. The amount set apart for the widow in Mississippi was (in my opinion) entirely inadequate to support her in the style in which she had been accustomed to live during the lifetime of Mr. Conner.

Answer to interrogatory 4th. I do know and fully believe that it was the intention of Mr. Conner to provide amply for the comfort and independence of his widow. This information was derived from frequent and oft-repeated conversations with said Conner.

Answer to interrogatory 5th. I was always under the impression that Mrs. Conner had an equitable interest in the Louisiana estate; but learning that this right was likely to be contested, I did advise the children, who were old enough to act in the matter, to make such allowance to their mother as would be satisfactory to her, and thereby avoid a legal controversy.

Answer to interrogatory 6th. I do.

Answer to interrogatory 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th. I have no knowledge of the matters contained in either of these interrogatories.

JS. METCALFE.

Sworn to and subscribed before me this 18th day of March, A. D. 1854.

R. W. WOOD. [SEAL.]

THE STATE OF MISSISSIPPI,
County of Adams.

Be it remembered, that on this the 17th and 18th days of March, A. D. 1854, I, R. W. Wood, a Justice of the Peace in and for the County of Adams and State of Mississippi, aforesaid, by virtue of a Commission directed to James H. Veazie or William C. Coffin, special Commissioner in and for Adams County, State of Missis-

sippi, and also by agreement of parties hereto by their counsellors or attorneys, have caused to come before me Doc. Stephen Duncan and Mrs. Mary Ker, on the 17th day of March, 1854; and Mrs. S. W. Metcalfe and Dr. James Metcalfe, on the 18th day of March, 1854, who, after being duly sworn to answer the truth to the questions propounded to them by the plaintiff in the suit entitled Susan E. Conner, widow of Henry L. Conner, deceased, *vs.* Brickle and wife and others, heirs of Henry L. Conner, deceased, defendants, which said questions are in writing, and hereto annexed, did give the answers above written to the said questions, in the order in which they are written, which answers I did reduce to writing above, as they were delivered, and after having so written the same, did cause the said witnesses to sign them, after having carefully read them over to each of said witnesses.

Witness my hand and seal, at Natchez, this 18th day of March, A. D. 1854.

R. W. WOOD, [SEAL.]
J. P.

Returned, opened, and filed March 20th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
Dep. Clerk.

Filed in evidence March 27, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
Dep. Clerk.

(*F.*)

SUSAN E. CONNER
vs.
ADM'R AND HEIRS OF HENRY L. CONNER, dec'd.

Interrogatories to be propounded to Dr. Stephen Duncan and Francis Surget, Senior, witnesses for plaintiff, residing near the city of Natchez, Mississippi, whose answers will be read in evidence on the trial of the above styled cause.

Int. 1st. Are you or not acquainted with the sons-in-law of the plaintiff, viz: Benson Blake, C. A. Castillo, and D. Warren Brickle, and also with George M. Marshall, and if yea, how long have you known them?

Int. 2d. Are you or not familiar with the plantation and slaves of the late Henry L. Conner, deceased, situated in this parish? And do you or not know the circumstances under which said plantation was lately purchased by the said George M. Marshall?

3d. Do you or not know, that there was a private contract between said Marshall and said Blake, Brickle and Castillo, previous to the public sale of said plantation, by which said Marshall was to pay a stipulated price therefor? If so, state all you know, or may have heard said parties, or either of them say, in relation to said contract.

4th. Have you heard either or any of said parties, or Levin R. Marshall, make any statements in relation to any private agreement in regard to the purchase or sale of said property?

5th. Did you or either of you ever express an inclination to purchase said plantation, when it should be exposed at public sale, and were you or not deterred in consequence of a belief, that by a private agreement among the aforesaid parties or some of them, said property was to be purchased by the said George M. Marshall, when sold at public auction, at a price previously stipulated?

6th. Is it or not within your knowledge, or have you or not good reason to believe, that bidders were actually deterred from attending the public sale of said property and bidding therefor, in consequence of their belief or information of the fact or report, that there was a private agreement made previously to the public offering of said property for sale, by and between the aforesaid parties or any of them, which agreement was of such a nature as to deter bidders, or to prevent competition in bidding for said property?

7th. Under this general interrogatory, please state all you may know, whether derived from the statements of the foregoing named parties, to wit—Blake, Brickle, Castillo, and George M. Marshall, or any of them, or otherwise, in relation to the matters hereinbefore enquired of, and generally all you know of the circumstances attending the public sale of said property and the purchase thereof by George M. Marshall, which may go to show the reason why there was no real competition at said sale, and all you know of importance to plaintiff.

THOMAS P. FARRAR.

Mr. Coffin is authorized by both parties to take the depositions of the witnesses within named, without a special commission from the Court, and will please execute this matter as speedily as possible, and enclose the depositions to F. L. Glover, Clerk 10th District Court, St. Joseph, Louisiana.

THOMAS P. FARRAR.

The 4th interrogatory, in so far as it proposes to enquire as to any statements made by Levin R. Marshall, is objected, as he is not a party to the suit, or in anywise affected thereby.

Cross-Interrogatories.

1. Were you or either of you deterred from bidding at the sale

referred to, by any such agreement as referred to, or by the report thereof?

2. If in reply to the 6th interrogatory, you state that bidders were deterred by such agreement or the report of such, please to state their names and how you had your knowledge of that fact.

H. B. SHAW,
Attorney for Defendant.

I consent that this deposition be taken before Wm. C. Coffin, of Adams County, Miss., and without commission.

Nov. 14, 1853. H. B. SHAW,
Att'y.

SUSAN E. CONNER —
vs.
ADM'R AND HEIRS OF HENRY L. CONNER, dec'd.

The deposition of Francis Surget, Sr., taken before Wm. C. Coffin, at the City of Natchez, Adams County, State of Mississippi, in pursuance of the annexed agreement, and in answer to the annexed interrogatories, taken this 16th day of January, A. D. 1854.

Answer to interrogatory 1st. Witness states that he is acquainted with D. Warren Brickle, son-in-law of plaintiff, but is not acquainted with the other sons-in-law of plaintiff. Witness has been acquainted with D. W. Brickle for the last three or four years. Witness is acquainted with Geo. M. Marshall, and has been so acquainted for the last twelve or fifteen years.

Answer to 2d interrogatory. Witness states that he is not acquainted with the plantation and slaves mentioned, and that he does not know the circumstances under which Geo. M. Marshall bought the same, except from rumor.

Answer to 3d interrogatory. Witness states that he knew nothing of any contract between said parties, concerning the purchase of said plantation, &c., until after the sale of the same.

Answer to 4th interrogatory. Witness states that he never heard said parties, or either of them, make any statement in relation to any private agreement as to the purchase or sale of said property.

Answer to 5th interrogatory. Witness states that he did express a desire to purchase said plantation, and was a bidder for the same at the sale thereof, through an agent, and was not deterred from bidding for said property by the belief that there was a private agreement among said parties.

Answer to 6th interrogatory. Witness states that he has no knowledge of these facts.

Answer to 7th interrogatory. Witness states that he knows nothing of the facts inquired of by this interrogatory.

Answers to Cross-interrogatories.

Answer to 1st cross-int. Witness states, as in his direct answers, that he was not deterred by any such agreement, or report thereof.

Answer to 2d cross-int. Witness states, as in his direct answers, that he knows nothing of the facts inquired of in this interrogatory.

F. SURGET.

Sworn to and subscribed before me, Jan'y 16, 1854.

WM. C. COFFIN,
Special Commissioner.

SUSAN E. CONNER
vs.
ADM'R AND HEIRS OF HENRY L. CONNER, deceased.

The deposition of Stephen Duncan, taken before Wm. C. Coffin, at the City of Natchez, Adams County, State of Mississippi, in pursuance of the annexed agreement, and in answer to the annexed interrogatories, taken this 14th day of January, 1854.

To the first interrogatory. Deponent answereth that he is acquainted with all the persons named except C. A. Castillo, and has known them for several years.

To the second. That he has no knowledge of the plantation and slaves referred to, except what he has derived from conversation with others, having never been on the place, and does not know the circumstances under which it was purchased by Geo. M. Marshall, except from public rumor.

To the third. That he knew nothing of his own knowledge of the private contract between Brickle, Blake and Castillo; he has heard that Marshall purchased at a private sale from Brickle, Blake and Castillo, they guaranting that the whole should not bring over $112,500.

To the fourth. That he has never heard the said Marshall, nor either of the other parties, make any statements in relation to said purchase and sale.

To the fifth. That he did at one time express a wish to purchase said plantation and slaves, but he heard of the private sale—determined not to bid. Subsequently he heard, through others, that Marshall would not bid more than $120,000 and then he determined to bid for the property. But subsequent occurrences, wholly unconnected with Marshall or the private sale, determined him not to bid for the property, and he so informed Carpt. Surget, remarking at same time, that from what Mr. Hall said of the value of the property, he would have bid $135,000 for the whole.

To the sixth. That is not within his knowledge, nor has he any reason to believe than any bidders were deterred from attending the public sale by reason of their knowledge of the private sale to Marshall.

To the seventh. That he knows nothing of his own knowledge or

derived from others, other than what is detailed in the foregoing answers. His belief is, the property brought more than it would have done had there been no private sale.

STEPHEN DUNCAN.

Sworn to before me this 14th January, 1854.

WM. C. COFFIN,
Special Commissioner.

To the first Cross-interrogatory deponent answereth that he was not deterred from bidding for the property at the sale referred to, by any such agreement or sale as referred to, nor by the report thereof.

To the second. That having answered the sixth direct interrogatory in the negative, no further answer is deemed necessary.

STEPHEN DUNCAN.

Sworn to before me this 14th January, 1854.

WM. C. COFFIN,
Special Commissioner.

Filed and opened January 24, 1854.

F. L. GLOVER,
Clerk.

By G. W. KENDRICK,
Dep. Cl'k.

Filed in evidence March 27, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
Dep. Cl'k.

(*G.*)

10TH DISTRICT COURT,
for the Parish of Tensas, Louisiana:

SUSAN E. CONNER, Widow of Henry L. Conner, dec'd,
vs.
THE ADM'RS & HEIRS OF HENRY L. CONNER, dec'd, and GEO. M. MARSHALL.

Interrogatories propounded to the Hon'e Joshua Baker and Widow Euphemia Sterling, both of the Parish of St. Mary's, Louisiana, and material witnesses for the plaintiff, whose answers, when obtained, is intended to be given in evidence on trial of the above entitled cause.

To Joshua Baker only.

1st. Are you acquainted with the plaintiff in this suit, and how long have you known her? Do you know her age and the date of her birth; when was she born? Is she a relation of yours and in what degree? State fully in reply.

2d. Did you know her parents? Where did her father reside at the period of his death, and where did he die? Did the plaintiff inherit anything from her father's estate and how much, and in what did it consist; and if of land or immoveables, where were they situated? And who became plaintiff's guardian, and where did the guardian reside and where administers the plaintiff's property, while she was his ward?

3d. Did you know Henry L. Conner, deceased, the plaintiff's late husband; if yea, where did he reside at the time he married plaintiff? Do you know where they were married, and whether married at the house and place first agreed on and appointed; and if not, say why? And how old was the plaintiff when so married?

4th. Do you know if the plaintiff inherited any land in Louisiana, and if so, have they been sold and to whom, and by whom, and at what price; and who received the payment therefor?

5th. Do you or not know it was the declared intention of Henry L. Conner at the time of his marriage with the plaintiff, and for several years afterwards, to remove permanently into the State of Louisiana? Did he ever confer with you about the purchase of lands for his contemplated establishment in Louisiana? State all you may have heard of him on the subject, and if you have anything in writing in the matter, annex it as a part of your deposition.

6th. Do you know anything further in relation to the subjects enquired of, and material to the issue in this case? If yea, please state fully in answer to this general interrogatory.

JOHN HENDERSON,
Attorney for Plaintiff.

Interrogatories propounded to Mrs. Euphenia Sterling.

Interrogatory 1st. Are you acquainted with the plaintiff, Susan E. Conner, and when and where did you first know her? Were you acquainted with her late husband, Henry L. Conner, and did you know him before and at the time of his marriage with the plaintiff?

2d. Were you present at New Orleans at an interview or settlement between Judge Porter, as guardian of the plaintiff, Susan, and her husband, the said Henry L. Conner? If yea, state nearly as you can remember the year, the place, and the conversation between the parties; and state also if you saw any money paid over by either party to the other, and what was the amount?

3d. State specially if Judge Porter did or did not then informed

and admonished said Henry L. Conner of the rights of his wife in her own patrimony, and of the duty and liability of said Henry, and about the investment to be made about it. And state, also, what Mr. Conner said were his intentions on the subject. State all that was said between the parties on the subject.

4th. Did or did not said Henry L. Conner then promise Judge Porter that he would invest the funds which he received as his wife's patrimony, in property in her name, and to her separate use? State specially.

5th. Do you know of any intention then expressed or entertained by Henry L. Conner, to remove permanently to Louisiana? If yea, state all you have heard on the subject.

6th. If you know anything further material to the matters enquired of, and in issue in this suit, state it fully and at large in answer to this general interrogatory.

JOHN HENDERSON,
Att'y for Plaintiff.

Plaintiff prays that a commission may issue, directed to any Judge or Justice of the Peace in the Parish of St. Mary's, Louisiana, to take the depositions of Joshua Baker and widow Euphenia Sterling, returnable instanter.

HENDERSON & FARRAR,
Att'ys for Plaintiff.

Let a commission issue as prayed for, returnable as prayed for.

F. L. GLOVER,
Clerk.

Received 12th March, 1853, and served on 12th March, 1853, by handing a certified copy of the within interrogatories, prayer and order to Henry B. Shaw, Esq., Curator *ad hoc*, to represent the absentees Susan L. Brickle and her husband D. W. Brickle, Mary S. Blake and husband Benson Blake, and the minor Louisa R. Conner, in person in this Parish, on the 15 March, 1853, by handing a certified copy of the within interrogatories, prayer and order to Lemuel B. Conner, in person in this Parish.

W. R. C. VERNON,
Sh'ff Parish of Concordia.

Received, Parish of Orleans, March 21st, 1853, and on the 22d of same month served copy of the within interrogatories, &c., on Mrs. Evelina B. Castillo, for self and husband, in person, at their domicil, No. 98 Ursulines street, City of New Orleans.

Returned March 22d, 1853.

E. SAMPSON,
D'y Sheriff.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, Widow of Henry L. Conner,
vs.
THE ADM'R AND HEIRS OF H. L. CONNER, dec'd, and GEO. M. MARSHALL. } No. 542.

To any Judge or Justice of the Peace in and for the Parish of St. Mary's and State of Louisiana, Greeting:

Know ye that, reposing confidence in your prudence and fidelity, we do authorize and appoint you to take the answers of Honorable Joshua Baker and Widow Euphenia Sterling, residing in St. Mary's parish, Louisiana, to the annexed interrogatories, said answers to be used in evidence on the trial of the above cause, in the said Court, wherein Susan E. Conner, widow, &c., plaintiff, and Administrator and Heirs of H. L. Conner, dec'd, *et al.* defendants; and we do command you, that you cause the before named witnesses to come before you, and after swearing them on the Holy Evangelist of Almighty God true answers to make to the said interrogatories, that you do examine and take down their answers in writing to the interrogatories thereunto annexed, and that you cause the said witnesses to sign their depositions in your presence, and that afterwards you draw up a *proces verbal*, or certificate of your doings herein, and sign and seal the same with your seal of office; and we do further command you to annex the said depositions and your *proces verbal* of the taking thereof to this commission and interrogatories, and send the same, carefully inclosed and sealed, directed to the Clerk of said Court at St. Joseph, parish of Tensas, Louisiana, instanter.

Witness the Honorable ALONZO SNYDER, Judge of said
[L. S.] Court, and the seal thereof, at St. Joseph, this 6th day of July, A. D. 1853.

F. L. GLOVER,
Clerk of said Court.

Pursuant to the annexed commission to take testimony in a certain suit now pending in the Tenth District Court, in the parish of Tensas, State of Louisiana, wherein Susan E. Connor, widow, &c. is plaintiff, and Administrator and Heirs of Henry L. Conner, dec'd, *et al.* are defendants, before me, Lewis R. Curtis, Justice of the Peace in and for the parish of St. Mary, State of Louisiana, duly commissioned and qualified, on this the 18th day of December, eighteen hundred and fifty-three, personally came and appeared Joshua Baker, a resident of said parish and State aforesaid, witness on the part of the plaintiff; and he the said Joshua Baker, having been duly sworn by me, said Justice of the Peace, upon the Holy Evangelist, to tell the truth, the whole truth, and nothing but the truth, touching the matter in controversy in the suit aforesaid, to the interrogatories hereto

attached, said Joshua Baker answered and deposeth as follows, to wit:—

Answer to interrogatory 1st. I am; known her from her birth; thinks she is about 48 years of age; she was born in the Territory of Mississippi; she is, and my sister.

Answer to interrogatory 2d. I did. Her father resided in the Parish of St. Mary at the period of his death; he died in Tennessee, near Nashville; she did inherit from her father's estate land and negroes, which gave to her and each of the other heirs of her father, four thousand eight hundred and ninety-one dollars, and one-ninth of two tracts of land in said Parish of St. Mary, which were not sold for many years after the death of her father, and which formed no part of the amount divided, that gave said sum of four thousand eight hundred and ninety-one dollars to each of the heirs; one tract of said land was situated on Pettitame Island, the other on both sides of Bayou Sale, which tracts had been sold, and the amount of about sixteen hundred dollars paid over to H. L. Conner, her dec'd husband, and Judge Alexander Porter was her guardian, and resided in St. Martinsville.

Answer to interrogatory 3d. I did know H. L. Conner, deceased, plaintiff's husband. I do not know where he resided at the time of his marriage to my sister; was not present at the marriage; was absent at the North.

Answer to interrogatory 4th. I know nothing.

Answer to interrogatory 6th. I have answered all that I consider material, in the foregoing.

Answer to interrogatory 5th. I was not present at the marriage; did not hear any of his declarations.

JOSHUA BAKER.

STATE OF LOUISIANA,
Parish of St. Mary:

I, Louis R. Curtis, Justice of the Peace in and for the Parish of St. Mary, State of Louisiana, do hereby certify the foregoing deposition of Joshua Baker was taken at my office, in the town of Franklin, Parish of St. Mary, Louisiana; that said deposition was reduced to writing by me, in presence of said witness; and that said witness signed the same in my presence, on this fifteenth day of December, eighteen hundred and fifty-three.

Given under my hand and official signature, on the day, month, and year above written.

L. R. CURTIS,
Justice of the Peace in and for the Parish of St. Mary, State of Louisiana.

Returned, opened, and filed this 26th December, 1853.

F. L. GLOVER,
Clerk.

Filed in evidence March 27th, 1854.

F. L. GLOVER,
Clerk.

By W. H. PARRETSON,
D'y Clerk.

(*H.*)

TENTH DISTRICT COURT,

Parish of Tensas, State of Louisiana:

SUSAN E. CONNER
vs.
THE ADMINISTRATOR AND HEIRS OF
H. L. CONNER, dec'd.

Interrogatories to be propounded to George M. Marshall, a witness for plaintiff, to be answered by consent, without any other formality than that of an oath before Wm. C. Coffin, Esq., of Natchez, said answer to be read in evidence on the trial of the above styled cause.

Interrogatory. Did you or not enter into a private agreement with Mr. Blake, Dr. Brickle, and Mr. Castillo, sons-in-law of the plaintiff, or with either of them, to purchase the "Arcole" plantation and slaves claimed as belonging to the succession of H. L. Conner, deceased, for a fixed price, previous to the public sale thereof, at which you became the purchaser, and did you or not at the public sale of said property, purchase the same with reference to said agreement; and if yea, what was the agreement, what was the price fixed, and the precise terms thereof—and did you bid at said sale more than the agreed price, and more than you would otherwise have given, with reference to the fact that they were bound to remunerate you, or relieve you from paying the surplus of said bid over the sum fixed by said agreement?

HENDERSON & FARRAR,
Atty's for the Pl'ff.

It is agreed that Wm. C. Coffin shall act as Special Commissioner and take the deposition of George R. Marshall in answer to the above interrogatory, without any other formality than that of an oath to be administered to said witness, and that the answer of said witness shall be used in evidence on the trial of this cause.

THOS. P. FARRAR,
One of the Att'ys for Pl'ff.

H. B. SHAW,
Att'y for Defend'ts.

In answer to the questions propounded, I have to say, that I attended at "Arcole" plantation, on the 15th December, 1852, for

the purpose of bidding for the property at the sale advertised for that time and place; objections having been made to the sale by Mrs. Conner or her representative, it did not then take place.

Afterwards the property of the succession of H. L. Conner, dec'd, being the Arcole plantation, slaves, &c., was readvertised for sale, to take place at St. Joseph, in Tensas Parish, La., on Saturday, February 5th, 1853. In the meantime a letter from the husband of one of the heirs of said H. L. Conner was brought me, in which was made the following offer, to wit: That we, Messrs. Blake, Brickle and Castillo, will sell to you (me), the Arcole property, at the rate of $110,000, so far as our separate interest is concerned, and that you (I) would have to risk the minor's portion and the widow's. Upon the receipt of this letter I went down to Natchez (for I was in Jefferson County at the time), and there saw Messrs. Blake and Castillo, when the same offer was renewed, to which I objected, on account of the risking on my part of the minor's and widow's portion.

I then said, If you, gentlemen, will guarantee the property to me, at a certain sum, and that sum suits me, I will accept your terms; accordingly, the guarantee of a certain sum was proposed, and I, not deeming it too high a price for the property, consented to their terms, and the following agreement was entered into between us.

Here is the Copy.

We, the undersigned, agree to sell to George M. Marshall the "Arcole" property, at the rate of $110,000 (one hundred and ten thousand dollars), *so far as our interest is concerned*, with a further guarantee, that the *whole* property *shall* not cost him over $112,500 (one hundred and twelve thousand five hundred dollars), on the day of the sale thereof.

(Signed) B. BLAKE. [SEAL.]
" C. A. CASTILLO. [SEAL.]

Thus they only sold me the property with the guarantee that it should not cost me over that sum, but did not transfer it to me at all; as the sale by them was only of their separate interest, or shares of said property, with a guarantee on their part, that I should not have to pay for the other shares more than in the same proportion. By the agreement I was made secure, and could have bid to an unlimited extent. The agreement was private, but the sale public, as I was not to be put in possession except by the sheriff on the day of sale. Relative to the question, did I bid more than the stipulated sum? I answer yes, and would *have continued* to bid *over all other bids*, as I was secured by the agreement, that for how high soever the property may have been sold, I only had to pay so much by the aforesaid agreement, they, the aforesaid Blake, Brickell and Castillo, being bound to indemnify me for all excess over said $112,500.

Any difference between the amount agreed on and the price at the sale to be made good to Mrs. Conner and her minor child Louisa, by the three heirs, by whom the said agreement was made, and that they would remit to me any such excess as might be for their shares. This has been done; and I will further state, that if no such agreement had been made, I would not have bid anything near the amount for which said property was struck off, as I did consider the amount fixed in said agreement to be about the value of the property, and certainly as much as I was willing to give for it.

GEORGE M. MARSHALL.

Sworn to and subscribed by Geo. M. Marshall, before me, at Natchez, Mississippi, this 17th day of March, 1854.

[SEAL.] ROBT. W. WOOD,
Justice Peace, Adams County, Miss..

Returned, opened, and filed March 20th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. PARRETSON,
D'y Clerk.

Filed in evidence March 27th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. PARRETSON,
D'y Cl'k.

(*J.*)

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER
vs.
THE ADMINISTRATOR AND HEIRS OF HENRY L. CONNER, dec'd.

Interrogatories to be propounded to Thomas Edwards, Isaac L. Course, and Lemuel P. Conner, witnesses for plaintiff in the above styled cause, residing in the Parish of Concordia, Louisiana.

Interrogatory 1st. Do you or not know the parties to this suit?

Interrogatory 2d. Were you or not present when the plaintiff took the oath of natural tutrix of her minor children, in 1849, or early in 1850?

Interrogatory 3d. If yea, did she or not make at that time any declaration in relation to her claims and rights upon the succession of her deceased husband, in this State? and if yea, please state the substance of those declarations.

Interrogatory 4th. Did she or not at that time enquire whether the fact of her qualifying as tutrix, would in any way affect her

the purpose of bidding for the property at the sale advertised for that time and place; objections having been made to the sale by Mrs. Conner or her representative, it did not then take place.

Afterwards the property of the succession of H. L. Conner, dec'd, being the Arcole plantation, slaves, &c., was readvertised for sale, to take place at St. Joseph, in Tensas Parish, La., on Saturday, February 5th, 1853. In the meantime a letter from the husband of one of the heirs of said H. L. Conner was brought me, in which was made the following offer, to wit: That we, Messrs. Blake, Brickle and Castillo, will sell to you (me), the Arcole property, at the rate of $110,000, so far as our separate interest is concerned, and that you (I) would have to risk the minor's portion and the widow's. Upon the receipt of this letter I went down to Natchez (for I was in Jefferson County at the time), and there saw Messrs. Blake and Castillo, when the same offer was renewed, to which I objected, on account of the risking on my part of the minor's and widow's portion.

I then said, If you, gentlemen, will guarantee the property to me, at a certain sum, and that sum suits me, I will accept your terms; accordingly, the guarantee of a certain sum was proposed, and I, not deeming it too high a price for the property, consented to their terms, and the following agreement was entered into between us.

Here is the Copy.

We, the undersigned, agree to sell to George M. Marshall the "Arcole" property, at the rate of $110,000 (one hundred and ten thousand dollars), *so far as our interest is concerned*, with a further guarantee, that the *whole* property *shall* not cost him over $112,500 (one hundred and twelve thousand five hundred dollars), on the day of the sale thereof.

(Signed) B. BLAKE. [SEAL.]
" C. A. CASTILLO. [SEAL.]

Thus they only sold me the property with the guarantee that it should not cost me over that sum, but did not transfer it to me at all; as the sale by them was only of their separate interest, or shares of said property, with a guarantee on their part, that I should not have to pay for the other shares more than in the same proportion. By the agreement I was made secure, and could have bid to an unlimited extent. The agreement was private, but the sale public, as I was not to be put in possession except by the sheriff on the day of sale. Relative to the question, did I bid more than the stipulated sum? I answer yes, and would *have continued* to bid *over all other bids*, as I was secured by the agreement, that for how high soever the property may have been sold, I only had to pay so much by the aforesaid agreement, they, the aforesaid Blake, Brickell and Castillo, being bound to indemnify me for all excess over said $112,500.

Any difference between the amount agreed on and the price at the sale to be made good to Mrs. Conner and her minor child Louisa, by the three heirs, by whom the said agreement was made, and that they would remit to me any such excess as might be for their shares. This has been done; and I will further state, that if no such agreement had been made, I would not have bid anything near the amount for which said property was struck off, as I did consider the amount fixed in said agreement to be about the value of the property, and certainly as much as I was willing to give for it.

GEORGE M. MARSHALL.

Sworn to and subscribed by Geo. M. Marshall, before me, at Natchez, Mississippi, this 17th day of March, 1854.

[SEAL.] ROBT. W. WOOD,
Justice Peace, Adams County, Miss.

Returned, opened, and filed March 20th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. PARRETSON,
D'y Clerk.

Filed in evidence March 27th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. PARRETSON,
D'y Cl'k.

(*J.*)

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER
vs.
THE ADMINISTRATOR AND HEIRS OF HENRY L. CONNER, dec'd.

Interrogatories to be propounded to Thomas Edwards, Isaac L. Course, and Lemuel P. Conner, witnesses for plaintiff in the above styled cause, residing in the Parish of Concordia, Louisiana.

Interrogatory 1st. Do you or not know the parties to this suit?

Interrogatory 2d. Were you or not present when the plaintiff took the oath of natural tutrix of her minor children, in 1849, or early in 1850?

Interrogatory 3d. If yea, did she or not make at that time any declaration in relation to her claims and rights upon the succession of her deceased husband, in this State? and if yea, please state the substance of those declarations.

Interrogatory 4th. Did she or not at that time enquire whether the fact of her qualifying as tutrix, would in any way affect her

claims against the succession of her husband in this State, and did she or not then and there declare and protest that she would do no act which could in anywise affect her said rights and claims?

Interrogatory 5th. Under this general interrogatory, please state as fully as you can all her declarations and questions in relation to her said rights and claims, and generally all she said in relation to the matters hereinbefore enquired of.

HENDERSON & FARRAR,
Plff's Att'ys.

Interrogatory 1st. To Lemuel P. Conner. Have you known the plaintiff long? and if yea, how long?

Interrogatory 2d. Is it or not within your knowledge that the plaintiff has pertinaciously and unremittingly declared her claims against her deceased husband's succession in this State, ever since his death, and has she or not, within your knowledge, continuously, since his death, asserted her right to a community of interest in his said succession here, and to the claims which she has set up in the present suit? Please answer this interrogatory as fully as you can.

Interrogatory 3rd. Did or not the plaintiff's husband, during his lifetime, live and maintain his family in a very elegant and even sumptuous style, and did he or not keep and employ about his household an unusually large number of servants, horses, carriages, and all the appliances of wealth and luxury?

Interrogatory 4th. What is the plaintiff's present condition, in regard to the comforts, elegancies, and luxuries, about her household? Is it at all commensurate with her position and circumstances in that respect during her husband's lifetime? Has she now as many household servants, as many conveniences and luxuries as then possessed? Please to answer this interrogatory at length, and give all the information you possess in relation to the matters here inquired of. State how many house servants it would require to keep the house, garden, and ornamental grounds, &c., in the same perfection and order that marked them during her husband's lifetime, and how many house servants she has now; and state also whether the dower, &c., received by her from her husband's estate in Mississippi is sufficient to enable her to live in the same style of comfort and elegance as she did prior to her husband's death?

Interrogatory 5th. What are the dates of the marriages of Mrs. Blake, Mrs. Brickle, and Mrs. Castillo?

HENDERSON & FARRAR,
Atty's for Pl'ff.

In consequence of the absence of the Clerk of the Tenth District Court of Tensas Parish from the State, it is consented and agreed that the depositions of the foregoing witnesses may be taken without

a Commission, or other formalities, by A. C. Hunter, Esquire, or James H. Veazie, Esq.

THOS. P. FARRAR,
Att'y for Pl'ff.

H. B. SHAW,
Curator ad hoc.

March 9th, 1854.

Interrogatory 6th. Added, by consent, to L. P. Conner.

Do you or not know that Mr. Blake, Dr. Brickle, and Mr. Castillo, or either of them, sons-in-law of the plaintiff, entered into a private agreement with George Marshall for the purchase of the "Arcole" property, by which they agreed that he should purchase it at a fixed price; and if yea, what was the tenor of that agreement, and have you heard either of said persons make any statement or declarations in relation to it, before or since the sale of said property?

THOS. P. FARRAR,
Att'y for Pl'ff.

Cross-interrogatory to L. P. Conner.

1. Please to state whether or no Mrs. Conner has any children to support, or any person except herself?

2. What is about the annual revenue of Mrs. S. E. Conner, and what amount would be necessary for her reasonable support per annum?

3. How many children had Henry L. Conner living with him during his lifetime, and what sex were they? Was not the style of his living more expensive because of his family?

H. B. SHAW,
Att'y for Def'd'ts.

STATE OF LOUISIANA,
Parish of Concordia:

By virtue of the agreement of Counsel subjoined to the interrogatories annexed, in the case wherein Susan E. Conner is plaintiff, and the Administrator and Heirs of Henry L. Conner, dec'd, are defendants, pending in the Tenth District Court of the Parish of Tensas, I requested Thomas Edwards to appear before me, and being sworn, answers as follows to the Interrogatories propounded to him in this cause.

To 1st int'y. Witness answers that he has a slight acquaintance with the parties to this suit.

To 2d int'y. Witness answers that he was present at the time the oath was administered to Susan E. Conner.

To 3d int'y. Witness answers that Mrs. Conner did make some

declarations in relation to her claims and rights: the substance of said declaration, as near as now recollected, was in the form of an interrogatory, asking, whether or not in qualifying as Tutrix she would compromise or jeopardize any of her rights to the estate of her deceased husband.

To 4th int'y. Witness answers entirely in the affirmative.

To 5th int'y. Witness answers that he has stated all that pl'ff state in his presence at that time.

THOMAS EDWARDS.

Sworn to and subscribed before me on this 15th day of March, A. D. 1854.

JAMES H. VEAZIE.

And on the day of March, A. D. 1854, I, the within named Special Commissioner, requested Lumel P. Conner to come before me, and being duly sworn, he answered the interrogatories propounded to him in the annexed instrument as follows:—

Answer to 1st interrogatory. I have known the plaintiff many years.

Answer to 2d interrogatory. After Henry L. Conner's death I was frequently told that the plaintiff spoke of pressing her claims against her husband's estate in Louisiana; it is within my own knowledge in my capacity as sub-tutor that the plaintiff has been urging her claim against H. L. Conner's estate in Louisiana, by a lawsuit begun several years back.

Answer to 3d interrogatory. Henry L. Conner, deceased, maintained his family in a style of the utmost comfort.

Answer to 4th interrogatory. I know nothing whatever of the plaintiff's present circumstances, nor of the condition of her house, grounds, &c.

Answer to 5th interrogatory. I was informed Mr. Blake, Dr. Brickell, Mr. Castillo entered into a private agreement with Mr. George Marshall, by which they agreed to guarantee said Marshall in the purchase of "Arcole" property, at the price of $112,500 $\frac{00}{100}$. Mr. Blake and Dr. Brickell have conversed with me since the Arcole public sale, and have expressed their belief, that this private agreement with said Marshall caused Arcole to bring a higher price than it would otherwise have realized.

Answer to 1st Cross-int'y. Mrs. S. E. Conner has no children to support, her children being provided for out of their father's estate.

Answer to 2d Cross-int'y. As before stated I know nothing of Mrs. Conner's pecuniary affairs.

Answer to 3d Cross-int'y. Henry L. Conner had five daughters, living with him at the time of his death, and two of these daughters

being of marriageable age, his style of living was thereby necessarily rendered more expensive.

LEMUEL P. CONNER.

Sworn to and subscribed this 18th day of March, A. D. 1854.

JAS. H. VEAZIE.

Having called before me and sworn, on the 15th and 18th of March, 1854, Thomas Edwards and Lemuel P. Conner, I declare that the answers to the interrogatories propounded in the aforesaid suit are each as were given at the dates before mentioned.

JAMES H. VEAZIE.

Vidalia, 18th of March, 1854.

Returned and filed March 20th, 1854.

F. L. GLOVER, *Clerk.*
By WM. H. PARRETSON, *D'y Cl'k.*

Filed in evidence March 27th, 1854.

F. L. GLOVER, *Clerk.*
By W. H. PARRETSON, *D'y Cl'k.*

(*K.*)

In the matter of the partition sale of the Arcole plantation, slaves, &c., advertised to be made this 5th day of February, A. D. 1853.

Public notice is hereby given by Mrs. Susan E. Connor, widow of the late Henry L. Conner, deceased, that she has instituted suit in Tenth District Court of Tensas parish, against the children and administrator of the said deceased, to recover one undivided half of said Arcole plantation, slaves, &c., in full property, and the remaining undivided thereof in usufruct during her natural life, subject, however, to the payment of the portion of the deceased minor daughter, Anna Frances Conner, therein inherited by her from said daughter's succession, and also subject to the payment of her paraphernal claim against the succession of the said Henry L. Conner, of about six thousand dollars, with interest, and also claiming in full property the 19 slaves purchased since the decease of the said H. L. Conner.

She therefore gives this *public notice* of this her *solemn protest* against said sale, based upon the following reasons:—

1st. Because for reasons aforesaid, and because her said claims are founded in justice and law; said property is not subject to partition until after the decease of said Susan E. Conner.

2d. Because the proceedings connected with this threatened partition sale are irregular and informal throughout, and the advertisement of said sale is not in conformity with the decree of partition.

3d. Because said sale is advertised to take place at the Court-house door, in the town of St. Joseph, against the consent of the

parties concerned, instead of being made on the premises as required by law.

She therefore forbids said sale, and gives this public notice to the Sheriff, the purchaser or purchasers, and all parties present and concerned.

THOS. P. FARRAR,
Att'y and Agent for Mrs. Henry L. Conner.

St. Joseph, La., February 5th, 1853.

I do hereby certify that the foregoing notice was publicly read on this 5th February, 1853, prior to the sale, in my presence, to the persons assembled at the Court-house door, immediately preceding the offering of the property by Thomas P. Farrar, attorney for Susan E. Conner, in a distinct and audible voice.

February 5th, 1853.

G. W. WILLIAMS, *Sheriff.*

Filed in evidence March 27th, 1854.

F. L. GLOVER, *Clerk.*
By WM. H. PARRETSON,
D'y Clerk.

(*L.*)

STATE OF LOUISIANA,
Parish of St. Mary:

Before me, John A. Dumartrant, Parish Judge and *ex officio* Notary Public in and for the parish of St. Mary—

Personally appeared, Joshua Baker, a resident of the said parish, herein acting in his own right as well as attorney in fact of Mrs. Sarah W. Baker, wife of James Metcalfe, Mrs. Mary Baker, wife of John Ker, and Mrs. Susan E. Baker, wife of Henry L. Conner, by virtue of a power of attorney passed before George C. McWhorter, Parish Judge and *ex officio* Notary Public in and for the Parish of Concordia, in this State, under date the 6th of December last past, a copy of which is herewith filed, and making a part of these presents—which constituents reside in the County of Adams, State of Mississippi.

Said Joshua Baker and his aforesaid constituents being the sole and only living heirs of the late Col. Joshua Baker, Sen'r, deceased.

And said Baker, in his aforesaid capacities, declared that he did by these presents, for and in consideration of the price and sum of one thousand five hundred dollars, cash in hand paid, receipt whereof is hereby acknowledged, bargain, sell, and assign, and convey unto Nathan Berwick, a resident of this parish, here present and accepting, a certain tract of land situated in this said Parish of St. Mary, measuring five arpents front by the ordinary depth of forty arpents on both sides of Bayou Sale, bounded above by land Harrietta Ro-

berts, and below by land of present purchaser, together with all the rights and appurtenances thereunto belonging, being the same that present vendors acquired by inheritance from their ancestor, Col. Joshua Baker, Sen'r, deceased:

To have and to hold the property herein sold unto the said Nathan Berwick, his heirs and assigns forever, with general warranty of title, free from all liens, mortgages, and incumbrances whatsoever, and full subrogation to all rights of warranty or other rights held by said vendors in said property.

The parties agree to dispense with the certificate required by article 3328 of the Civil Code of this State, and exonerate me, said Judge, from all liability on account of the non-production thereof.

Thus done and passed at my office on this eighth day of March, A. D. eighteen hundred and forty-four, in presence of Thomas Dwyer and Robert S. Carson, both competent witnesses, who have signed these presents with said appearers and me, said Judge, after due reading.

(Original signed) JOSHUA BAKER.
NATHAN BERWICK.
THOMAS DWYER.
B. S. CARSON.
J. A. DUMARTRUNT,
Parish Judge.

I hereby certify the foregoing to be a true and correct copy of the original on file and of record in my office.

Witness my hand and seal of office, this 21st day of February, 1853.

J. A. DUMARTRAIT,
Recorder.

May 1*st*, 1844.

Received of Joshua Baker, in full all demands against him, for the sale of the Bayou Salé lands, being two hundred and forty-five dollars.

HENRY L. CONNER.

Filed in evidence March 27th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. PARRETSON,
D'y Clerk.

(*M.*)

STATE OF MISSISSIPPI,
Adams County:

To any Judge, Minister, or Justice, lawfully authorized to celebrate the rites of matrimony. You are hereby licensed to celebrate the rites of matrimony between Daniel W. Brickle and Susan L. Conner.

Given under my hand and seal of my office, this second day of March, one thousand eight hundred and fifty.

[L. S.] REINARD A. INGE,
Clerk.

By A. J. COFFIN,
D'y Clerk.

STATE OF MISSISSIPPI,
Adams County:

In virtue of a license from the Clerk of the Probate Court of said County, I have this day joined in the holy state of matrimony, Daniel W. Brickle and Susan L. Conner.

Given under my hand this 5th day of March, 1850.

JOS. B. STRATTON,
Pastor Pres'n Church.

STATE OF MISSISSIPPI,
Adams County:

To any Judge, Minister, or Justice, lawfully authorized to celebrate the rites of matrimony. You are hereby licensed to celebrate the rites of matrimony between Charles Arthur Castillo and Evelina Baker Conner.

[L. S.] Given under my hand and seal of office, this 10th day of January, one thousand eight hundred and fifty-two.

REIN'D A. INGE,
Clerk.

STATE OF MISSISSIPPI,
Adams County:

In virtue of a license from the Clerk of the Probate Court of said County, I have this day joined in the holy state of matrimony, Charles Arthur Castillo and Evelina Baker Conner.

Given under my hand this 13th day of Jan'y, 1852.

JOHN J. CHANCHE,
Bish. of Nat.

THE STATE OF MISSISSIPPI,
Adams County:

To any Judge, Minister, or Justice, lawfully authorized to celebrate the rites of matrimony. You are hereby licensed to celebrate the rites of matrimony between Benson Blake and Mary S. Conner.

Given under my hand and seal of office, this 9th day of February, one thousand eight hundred and fifty-two.

R. A. INGE,
Clerk.

By W. C. COFFIN,
D'y Clerk.

February 10th, 1852, married by Bish. Otey.

THE STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of the County of Adams, State aforesaid, do hereby certify that the foregoing page contains a true and perfect transcript of the record of the marriages of Daniel W. Brickell and Susan L. Conner, Charles Arthur Castillo and Evelina Baker Conner, and Benson Blake and Mary S. Conner, as the same remain of record in my office.

In testimony whereof, I have hereunto set my hand and the seal of said Court, at the City of Natchez, this 15th day of March, A. D. eighteen hundred and fifty-four.

RICH'D A. INGE,
Clerk.

Filed in evidence March 27th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. PARRETSON,
D'y Clerk.

(*N.*)

TENTH DISTRICT COURT,
Parish of Tensas, Louisiana:

SUSAN E. CONNER
vs.
ADM'R & HEIRS OF HENRY L. CONNER, dec'd.

Personally came and appeared before the authorized authority, Mistress Susan E. Conner, plaintiff in the above styled cause, who having been duly sworn, deposes and says:—

That prior to the institution of this suit and a short time subsequent to the death of her husband, she employed Messrs. Stacy &

Sparrow to prosecute her rights and present claims against the succession of her said deceased husband in this State.

That the said affiant never authorized the said Messrs. Stacy & Sparrow, nor any one else, to make any *judicial*, or *other admissions*, which could in any way whatever affect her claims as set up in the present suit.

That she was utterly ignorant that any such had been made, and had no knowledge of the various proceedings taken to convoke the family meetings, in relation to the management of, and partition of, the Arcole plantation and slaves by any of her counsel, until long after the same had been filed; nor did she see any of the proceedings, nor have any knowledge of these admissions, until just before the institution of the above styled suit.

That she has consistently and unremittingly insisted upon and endeavored to prosecute her claims, as set up in the present suit, ever since the death of her husband, H. L. Conner, and has done no act of herself, nor has she authorized any of her counsel, to do any act which might in any way be inconsistent with her rights as set up in said suit, and that she never acknowledged either by herself, or any authorized agent or attorney, that the Arcole plantation and slaves belonged wholly to the children of Henry L. Conner, deceased.

Sworn to and subscribed before me this twenty-second day of March, eighteen hundred and fifty-four.

SUSAN E. CONNER.

ALONZO SNYDER,
Judge Tenth District.

Filed in evidence March 27th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. PARRETSON,
D'y Clerk.

(*O.*)

THE STATE OF MISSISSIPPI,
Adams County:

Pleas before the Honorable Reuben Bullock, Judge of the Probate Court of Adams County, State aforesaid, at a Term of said Court, begun and held at the Court-house in and for said County, on the fourth Monday in December, in the year of our Lord one thousand eight hundred and fifty.

Be it remembered that heretofore, to wit, at a Term of the Probate Court of Adams County, begun and held at the Court-house thereof, on the fourth Monday of October, in the year of our Lord one thousand eight hundred and fifty, Mary S. Conner, Susan L. Brickell and Daniel Brickell, her husband, and William P. Conner,

Trustee of said Susan L. Brickell, the said Mary S. Conner and Susan L. Brickell being daughters, heirs and distributees of Henry L. Conner, deceased, late of said County, by Ralph North, Esquire, their solicitor, filed in our said Court their certain petition, in the following words and figures, to wit:—

To the Hon'ble REUBEN BULLOCK, Judge of the Probate Court of Adams County, Mississippi.

Respectfully represents the petition of Mary S. Conner, Daniel Brickell and Susan L. his wife, and William G. Conner, Trustee of said Susan L., all of said county of Adams; that your petitioner Susan L. and Mary are daughters, heirs and distributees of Henry L. Conner, late of said county, deceased; that said deceased departed this life in the month of , in the year 1849, intestate, and that letters of administration of his estate were granted by this Court to William St. John Elliot, and Susan E. Conner, the widow of deceased, at the October term of 1849, of said Court; and that said Elliot and Susan E. Conner then took upon themselves the burthen of the administration of said estate. Further shows that said decedent died, seized and possessed of a plantation of land situate, lying, and being in this county, about 16 miles from the city of Natchez, near the Woodville road, containing 1,200 acres, more or less, and upon which he resided at the time of his death, and known and described by the name of Berkley Plantation, and also possessed of a large personal estate in said county, consisting mostly of about 109 negro slaves, a large stock of horses, mules, cattle, oxen, hogs, sheep, and plantation implements, on, appertaining to, and employed about said plantation of land, and which will more fully and at large appear from the inventory and appraisement thereof returned to this Court by said administrator, and administratrix, reference being thereunto had, the same being of record, in this honorable Court, and to which your petitioners pray leave to refer as a part of this petition. Further shows, that said deceased left surviving him said Susan E., his widow, and the following children, viz: Ann F. Conner, Evelina B. Conner, and Louise R. Conner, and your petitioners the said Mary Conner and Susan L. Brickell, all of whom are now living, and residents of said county. Further shows, that your petitioners are advised that they, the said children of said deceased, are now entitled to a division and distribution of said real and personal estate, and to have their several and respective shares thereof set off and allotted to them under the direction of this Court, and to have, hold, and possess the same in severalty; and that your petitioners, the said Mary and Susan L., are each entitled to one-fifth part of said land, and one-sixth part of said personal estate. Further shows, that after the death of said Henry L. Conner, and before the marriage of them, the said Daniel W. Brickell, and Mary, by deed of marriage settlement, bearing date the seventh day of

March, 1850, the interest of said Susan L., in said real and personal estate was assigned, transferred and conveyed to your petitioner, William G. Conner, trustee, in trust for the sole and separate use of said Susan L., and that your petitioner, the said William G. Conner, as such trustee, now has the legal title to said interest of said Susan L. in said real and personal estate, as by the deed or the record thereof, which will be produced as this honorable Court shall direct, will fully appear; your petitioners therefore pray that said Susan E. Conner, William St. John Elliot, Ann F. Conner, and Louisa R. Conner may be cited to answer this petition at a day certain; that said real and personal estate may be divided and distributed, and that commissioners may be appointed to divide the same, and to allot to your petitioners the said Mary, and Susan L. their several and respective shares thereof, and that said administrator and administratrix may be decreed to distribute said personal estate according to such allotment; and that your petitioners the said Mary and William G. may, by the decree of this Honorable Court, have, hold and possess the several respective shares of said Mary and Susan L., of said real and personal estate in severalty, and for such other and further relief as to your honor may seem meet and proper in the premises.

And your petitioners shall ever pray, &c.

RALPH NORTH,
Att'y for Petitioners.

Whereupon, on reading and filing said petition, the following order was made by the Court in the premises, to wit:—

In the matter of the petition of Mary Conner, Daniel W. Brickell, and Susan L. Brickell, his wife, and William G. Conner, trustee of Susan L. Brickell, for a division of the real and personal estate of Henry L. Conner, deceased.

On reading and filing the said petition, it is ordered by the Court that Susan E. Conner, administratrix, and William St. John Elliot, administrator of the estate of said Henry L. Conner, deceased, and Ann F. Conner, Evelina B. Conner, and Louisa R. Conner, heirs at law of said deceased, be cited to be and appear before this Court on the fourth Monday in November next, then and there to answer said petition, and show cause, if any they can, why said division should not be made.

Which said citations being then and there issued, were in the following words and figures, to wit:—

THE STATE OF MISSISSIPPI,
Adams County:

The State of Mississippi to the Sheriff of Adams County, Greeting:

You are hereby commanded to cite Susan E. Conner, (L. S.) administratrix, and Wm. St. John Elliot, administrator of the

estate of Henry L. Conner, deceased, to be and appear before the Probate Court of Adams County, at the Court-house thereof, on the fourth Monday in November next, then and there to answer the petition of Mary Conner, Daniel W. Brickell, and Susan L. Brickell, his wife, and William G. Conner, trustee of said Susan L. Brickell, for a division of the real and personal estate of said Henry L. Conner, deceased, and to show cause, if any can, why said division should not be made, and further to do and suffer such change as shall be considered and ordered by the Court aforesaid, in the premises, and have then heard this writ.

Witness the Honorable Reuben Bullock, Judge of said Probate Court, at the Court-house of said county, the fourth Monday of October, eighteen hundred and fifty.

RICH'D A. INGE, *Clerk.*

Issued the 31st day of October, 1850.

Upon which said citation, the Sheriff of Adams county, to whom the same was directed, made by William B. Newman, his certain deputy, his return, in the following words and figures, to wit:—

Executed 11th Nov., 1850.

G. B. NEWMAN, *Sheriff.*
By WM. B. NEWMAN, *D'y.*

THE STATE OF MISSISSIPPI,
Adams County:

The State of Mississippi to the Sheriff of Adams County, Greeting:

[L. S.] You are hereby commanded to cite Ann F. Conner, Evelina B. Conner, and Louisa R. Conner, deceased, to be and appear before the Probate Court of Adams county, at the Court-house thereof, on the fourth Monday of November next, then and there to answer the petition of Mary Conner, Daniel W. Brickwell, and Susan L. Brickwell, his wife, and Wm. G. Conner, trustee of said Susan L. Brickwell, for a division of the real and personal estate of Henry L. Conner, deceased, and to show cause, if any they can, why said division should not be made, and further to do and suffer such things as shall be considered and ordered by the Court aforesaid in the premises; and have then there this writ.

Witness the Honorable Reuben Bullock, Judge of said County, the fourth Monday of October, eighteen hundred and fifty.

RICH'D A. INGE,
Clerk.

Issued the 31st day of October, A. D. 1850: upon which said citation, the Sheriff of Adams County, to whom the same was directed, made, by Wm. B. Newman, his certain deputy, his return in the following words and figures, to wit: "Executed 11th Nov. 1850."

J. B. NEWMAN, *Sheriff.*

By WM. B. NEWMAN, *D'y Sheriff.*

Afterwards, to wit, at a term of said Court begun and held at the Court House in and for said County, on the 4th Monday in November, in the year of our Lord 1850, the Court thought proper to make and cause to be enrolled and recorded the following decree in the premises, to wit:—

STATE OF MISSISSIPPI,
Adams County:

In the Probate Court of said County.

November Term, A. D. 1850.

In the matter of the estate of H. L. Conner, dec'd.

The petition of Mary S. Conner, Daniel W. Brickwell, Susan L. Brickwell, and Wm. G. Conner, for a division and distribution of the real and personal estate of Henry L. Conner, dec'd, coming on for hearing this day, and it appearing to said Court that the said deceased left surviving to him the following heirs and distributees, viz: Susan E. Conner, the widow of deceased, and the following named children, to wit, Evelina B. Conner, Ann F. Conner, Louisa R. Conner, and the petitioners, Mary S. Conner and Susan L. Brickwell, all of whom are now living: and that the said Evelina B., Ann F., and Louisa B. have been cited to answer this petition at this term: and it appearing also to the satisfaction of the Court that the said Henry L. Conner, deceased, died seized and possessed of the following real and personal estate in this county, to wit: a plantation of land, situate, lying, and being in said county about 16 miles from the city of Natchez, near the Woodville road, containing 1200 acres more or less, and upon which said deceased resided at the time of his death, and known and described by the name of Berkley plantation, bounded by lands of John N. Hetun, Dr. John A. Anderson, John Thorn, Stephen Duncan, and James Metcalfe; and of the following named slaves and other personal effects, to wit, negro slaves: Lewis and Susanna his wife; William; Isham and America his wife, and Morinda her child; John and Charlotte his wife; Alfred and Frances his wife; Henry B. and Hester his wife; William, a carpenter, and Cynthia his wife, and Peter, Sarah, and Thomas, children of Cynthia; Eveline and Betsy; Aleck, Anny, William, Judy, Abraham, and Manuel, children of William, the carpenter; John, Betsy his wife, and Robert, Delia, and Anna, their children; Jim, Sam Davis, Stacia his wife, and her children, Lizzi, Anthony, Metcalfe, and Butler; Old Sam; Old King; Harrison or Harry, Betty his wife, Emeline a sister, and William a child of Betty; Willis, the driver, Louisa his wife, and her children, Kitty, Sucky, Frank, Lewis, and Lucy; Mary, and Mary Elizabeth, her child; George Ross, Lilly his wife, and her children, Simon and Candio; Phil, Melvina his mother, and her children, Polly, Ellen, and Aisley; Susan and her children, Peggy and Rachael; Margaret, and

Major her child; Charlotte Minor, and Douglass Bisland her child; Abel, Juda his wife, and her children, Nelson and Susanna; Martha, and Isaac her child; Phebe, and Sampson her child; Aaron, Grace his wife, and Bee her child; Tyke, and Peggy Brown his wife; Washington and Ishuaril; Beverly, and Ailsley his wife; Old Prince, Maria his wife, and her children, Kitty and Susan; Peter and John M.; Bryant, and Louisa Brown, his wife; Monroe, Marta Williams his wife, and her child Jackey Vensey; Harriett, Carolina, Clara, Judie Watkins, Hannah Brown, Eliza Tison and Lucy Jane, and the natural increase of said slaves since the appraisement thereof, and also of a large stock of cattle, hogs, sheep, mules, horses, oxen, plantation utensils and furniture, and household and kitchen furniture, and other personal effects at, upon and about said Berkley plantation; and it also appearing to the Court that letters of administration of said personal estate were granted by this Court to William St. John Elliot and said Susan E. Conner, at the October term, 1849, of said Court, and that the said petitioners are now entitled by statute to a division and distribution of said slaves and personal effects; and the said petitioners having preferred to this Court, at this term, in this cause, represented that the said plantation of land cannot be conveniently divided among the persons entitled thereto according to their several and respective interests therein, and thereupon prayed this Court to direct the same to be sold, according to the statute in this behalf, and the proceeds of sale to be divided among the claimants to the same, according to their several and respective rights. It is now thereupon considered, ordered, adjudged, and decreed by this Court, that James Railey, John N. Helun, John Thorn, James A. Gillepsie, and Wm. B. Fowles, disinterested freeholders of said County, be appointed Commissioners, and as such they are hereby directed and ordered to divide said negro slaves, and other personal effects of said deceased, into six equal shares or portions, and to allot to each of them, said Susan E. Conner, Mary S. Conner, Susan L. Brickell, Evelina B. Conner, Ann F. Conner, and Louise R. Conner, one of said shares or parts; that said commissioners give five days' notice of the time and place of their meeting for the purpose of making said division personally to each of said distributees, of age and within this State, and to the guardians of such as are minors; and that they make and return to this Court, at the next term thereof, under oath, and certified under their hands and seals, a full report of said division and allotment of said slaves and other personal effects. And it is further ordered and decreed, that the said Wm. St. John Elliot and Susan E. Conner, administrator and administratrix of said estate, do distribute and deliver to among said distributees, their several and respective shares of said personal estate, according to said division and allotment by said commissioners. And it being shown to the Court here, that by deed of marriage settlement made and executed by and between said Daniel W. Brickell, Susan L. Brickell, and Wm.

G. Conner, on the 2d day of March last, that the legal title to the interest of said Susan L. in said personal estate, was transferred and vested in said Wm. G. Conner, as trustee, for the use of said Susan L., it is thereupon further ordered and decreed, that the said administrator and administratrix deliver to said William G. Conner, as trustee of said Susan L. Brickell, the share of said personal estate allotted to said Susan L. by said commissioners. And it is further considered and ordered by the Court, that the said commissioners view the said real estate called Berkley Plantation, and ascertain and report to this Court, with all convenient speed, whether the same can be conveniently divided equally among said children of said deceased, and whether it is for the interest of said children to have the same sold, and the proceeds thereof divided; and that said Evelina B. Conner, Ann F. Conner, and Louisa R. Conner, be cited to be and appear before this Court, at the next December term thereof, then and there to show cause, if any they can, against such sale.

Ordered and decreed this 28th day of November, A. D. 1850.

R. BULLOCK,
Judge.

Afterwards, to wit, at the term of said Court begun and held at the Court-house in and for said County on the 4th Monday in December, in the year of our Lord 1850, the said Commissioners, James A. Gillepsie, John H. Thorn, William B. Fowles, and John N. Helun, brought in, filed, and submitted their certain report of division made under said decree, in the words and figures following, to wit:—

STATE OF MISSISSIPPI,
Adams County.

The State of Mississippi, to James Railey, John N. Helun, John Thorn, James A. Gillepsie, and William B. Fowles, Greeting:—

Know ye, that at a term of the Probate Court of Adams County, State aforesaid, begun and held at the Court-house in and for said County, on the 4th Monday in November, A. D. 1850, you were appointed Commissioners to divide the personal estate particularly designated in the foregoing decree of Henry L. Conner, late of said County, deceased, among his legal heirs; and you are by these presents authorized and directed to divide said personal estate among the heirs at law of the said decedent agreeably to the law of descents of this State, and the directions contained in the foregoing decree; to ascertain each heir's share of said personal estate by lot, and to assign and set off to said heirs, respectively, their shares of said personal estate so ascertained and allotted; and you are by these presents further directed to give five days' notice of the time and place of your meeting for the purpose of making said division to such of said heirs as are of age and within this State, and to the guardians

of such as are minors; and to make and return under oath a full report of your proceedings under this commission, certified under your hands and seals, at the next December term of this Court.

Witness the Honorable Reuben Bullock, Judge of said Probate Court, at the Court-house of said County, in the City of Natchez, the 4th Monday of November, in the year of our Lord 1850.

RICH'D A. INGE,
Clerk.

Issued the 30th day of November, A. D. 1850.

To the Honorable Reuben Bullock, Judge of the Probate Court, Adams County, Mississippi.

The undersigned, Commissioners appointed by this Honorable Court, at the last November term thereof, to divide the negro slaves and other personal effects of Henry L. Conner, dec'd, into six equal shares or portions, and to allot to each of the heirs and distributees of said deceased, viz: Susan E. Conner, his widow, and Mary S. Conner, Susan L. Brickell, Evelina B. Conner, Ann F. Conner, and Louisa R. Conner, his children, one of the said shares or portions; and also to view the real estate of said deceased, called Berkley plantation, situate in said county, and particularly described in the decree in this behalf, and to ascertain and report to this Court, with all convenient speed, whether the same can be conveniently equally divided among said children, and whether it is for the interest of said children to have the same sold, and the proceeds thereof divided, respectfully report: That, pursuant to the directions contained in the commission to them directed in this behalf, and the decree of this Honorable Court thereto annexed, the undersigned gave five days' notice to Mrs. Susan L. Conner, the guardian of said Evelina B. Conner, Ann F. Conner, and Louisa R. Conner, and to said Mary S. Conner, Susan L. Brickell, and Daniel W. Brickell, her husband, and William G. Conner, her trustee, that they, the undersigned, would, on Monday, the 16th day of the present month, meet at the family residence of said Henry L. Conner, on said Berkley plantation, and then and there proceed to make said division and allotment; and that they, the undersigned, did assemble at the place aforesaid, on the said 16th day of the present month, and then and there continued in the discharge of the duties of their Commission on that and the two following days, until the full performance thereof; and that they then and there caused to be assembled and collected all of the said negro slaves now living, and their natural increase, being one hundred and seven in number, and all of said other personal effects, and divided the same into six shares or portions, as nearly equal as the nature of the property would admit in value; that they designated said shares or portions as lots numbers 1, 2, 3, 4, 5, and 6, respectively, and set off and allotted to said widow and children their respective shares of said

negro slaves and other effects, to wit: one of said lots, numbered as aforesaid, to each of them, widow and children, as follows, to wit: Share or lot number 1, was set off and allotted to Ann F. Conner; share or lot No. 2, was set off and allotted to Louisa R. Conner; share or lot No. 3, was set off and allotted to Susan L. Brickell; share or lot No. 4, was set off and allotted to Mary S. Conner; share or lot No. 5, was set off and allotted to Evelina B. Conner; share or lot No. 6, was set off and allotted to Mrs. Susan E. Conner; as the same will fully and at large appear by reference to the annexed Schedule marked *A*, in which said shares are severally detailed and marked as aforesaid, containing the names and value of said negro slaves, and also a full and particular description of the other personal effects aforesaid, with the value of each article attached, which said schedule, marked as aforesaid, is hereby made a part of this Report, and subscribed by the undersigned. And the undersigned do hereby further certify and report, that, to equalize said shares, and to compensate to said Ann F. Conner, Susan L. Brickell, and Evelina B. Conner, for the deficit in the shares respectively allotted to them, as shown in said Schedule *A*, they, the undersigned, did and do hereby award, that Mary S. Conner pay to the said Susan L. Brickell the sum of $5.18\frac{1}{8}$, and to the said Ann F. Conner the sum of $61.83\frac{1}{8}$; that the said Susan L. Conner pay to the said Evelina B. Conner the sum of $9.36\frac{3}{8}$, and to the said Ann F. Conner the sum of $ .60$\frac{3}{8}$—thereby settling the value of each of said six shares at $10,163.88\frac{1}{4}$, which is one-sixth of the sum of $60,983.29, the total amount of the appraisement of said slaves and other property. And the undersigned do further certify and report, that they viewed the real estate called Berkley plantation; and the undersigned, John N. Helen and William B. Fowles ascertained, and do hereby report, that the said land cannot be equally divided, conveniently, among the children and heirs of said deceased, and that it is for the interest of said children to have the same sold, and the proceeds thereof divided; and the undersigned, James A. Gillipsie and John H. Thorn, ascertained, and do hereby report the contrary to be true. And the undersigned, having now fully discharged the duties enjoined on them by said Commission, pray to be discharged.

Given under our hands and seals this 23rd day of December, A. D. 1850.

JAMES A. GILLESPIE. [SEAL.]
JOHN H. THORN. [SEAL.]
WM. B. FOWLES. [SEAL.]
JOHN N. HELUN. [SEAL.]

STATE OF MISSISSIPPI,
Adams County:

Personally appeared before me, Richard A. Inze, Clerk of the

Probate Court of said county, the foregoing named, James A. Gillespie, John N. Helun, Wm. B. Fowles, and John N. Thorn, and made oath, that the foregoing report contained an honest, faithful, and impartial division of the personal estate therein mentioned, and that they had performed their duties required by them in this behalf to the best of their skill, knowledge and judgment.

JAS. A. GILLESPIE.
JOHN H. THORN.
WM. B. FOWLES.
JNO. N. HELUN.

Sworn and subscribed before me this 23rd day of December, A. D. 1850.

RICH'D A. INZE,
Clerk.

Schedule A.

Containing an inventory, appraisement, division, and allotment of the negro slaves, and other personal property of the estate of Henry L. Conner, deceased, in Adams County, Mississippi, as valued by the undersigned Commissioners of the Probate Court of said county, and by them divided, allotted, and set off among and to the widow and children of said deceased.

LOT NO. 1, ALLOTTED TO ANN F. CONNER.

Negro Slaves.

William, the carpenter,	$2,000
Cynthia, his wife,	850
Peter, child of Cynthia,	350
Sarah, " "	275
Thomas, " "	200
Evelina, " "	100
Eliza, " "	50
Anna, child of William,	700
Emmanuel,	175
Abraham,	250
Beverly,	850
Aisley, wife of Beverly,	650
Sam Davis,	750
Henry R.,	450
Hester, wife of Henry R.,	600
Charlotte,	800
Douglass Bisland, child of Charlotte,	100
One lot of carpenter's tools,	75

Mules.

Jim,	$85
Flowers,	65
Taylor,	60
Paul,	40

Horses.

Bay,	40
Gray mare,	40
Forest,	15
Henry,	5

11 *Sheep*, 22

Oxen.

Ned and Lowden,	40
Leopard and Barrygam,	30

Cows and Calves.

Indian and calf	15
Matilda and calf,	12
Hester "	10
Charlotte "	10
Dina,	10
Margaret Van Bowzen,	10
Ellen,	12
Rachael and calf,	8
Bella,	6
Ole Bull,	12

Planting Implements.

1 yoke,	1	
1 market waggon,	10	
1 coupling chain,		75
1 old carriage,	5	
3 blue ploughs,	6	
2 red "	12	
2 old "		50
2 scrapers,	2	
1 jumping plough,	2	
2 sweeps,	1	
1 opener,	1	
1 iron tooth harrow,	4	
2 wooden tooth harrow,		50
1 pr. double trees,	2	
2 p. harness, traces, &c.	1	50
8 weeding and cane hoes,		80
3 axes,	2	25

Furniture.

5 mahogany chairs,	$15	
1 hat rack,	5	
1 pauvreme and engravings,	1	
1 backgammon board,		25
1 mantel lamp,	1	50
1 old solar lamp,		25
1 set shovel, &c.	5	
4 Britannia spittoons,	1	
1 thermometer,		50
1 sword, cartridge-box, &c.	2	
1 small carpet,	5	
1 candle-stand,	1	50
1 tinder,	1	
1 old cherry bedstead,	3	
2 cupping boxes,	1	
1 bedstead,	3	
6 large silver table spoons,	30	
6 " " " forks,	18	
3 " " desert "	6	
6 " ivory handle knives,	2	50
3 small " " "		75
10 silver teaspoons	5	
22 lemonade glasses,	3	
6 yards Kentucky Jeans,	2	40
7 " colored striped linsey		87½
1 p. cotton blankets,	1	
1 moss mattress,	3	
1 cotton "	4	
1 p. bed blankets,	5	
2 old Marseilles quilts,		50
1 Marseilles quilt,	4	
1 calico bed-spread,		50
20 old diaper towels,	1	
12 napkins (very old),		60
3 damask table-cloths,	3	
233½ bbls. corn, @ 60 c.	140	
	$10,101	42

LOT NO. 2, ALLOTTED TO LOUISA R. CONNER.

Negro Slaves.

Alexander, child of William Carpenter,	$750
William, " " "	575
Judy, " " "	450
Caroline,	800

Munroe,	$900
Martha, wife of Monroe,	700
Old Prince,	50
Maria,	100
Katy,	450
Susan,	350
Malvina,	600
Polly, child of Malvina,	350
Elsey,	100
Ellen,	200
Peter,	900
John Howzier,	900
Abel,	10
Nelson,	300
Susanna,	125
17 volumes of Edinburgh Encyclopedia,	136
1 lot blacksmith's tools,	75

Mules.

Stephen,	85
Claiborne,	65
Susan,	60
Dolphin,	25
Fly,	20

Horses.

Silvin,	30
Bay mare and colt,	15
Mercury,	5
Champion,	35
11 *Sheep*,	22

Oxen.

Dave and Ruth,	40
Peter and Drop,	25

Cows & Calves.

Eliza and calf,	15
Polly Gray and calf,	12
Caroline Bisland and calf,	10
White Ann and calf,	10
Bird Ann and calf,	11
Sina,	10
Annaca,	10
Emily and calf,	8
Henry,	8
Peggy,	5
Jefta,	5

Plantation Implements.

1 yoke,	$1	
16 horse wagon, &c.	90	
1 coupling chain,		75
4 blue ploughs,	8	
2 red ploughs,	12	
2 old do.		50
2 scrapers,	2	
1 jumping plough,	2	
1 sweep,		50
1 opener,		25
1 iron tooth harrow,	4	
2 wooden do.		50
1 p. double trees,	1	
3 p. harness, traces, &c.	2	25
8 weeding and cane hoes,		80
3 axes,	2	25
1 large scraper,	2	
4 old saws,	1	

Furniture.

1 sofa,	30	
2 ottomans,	8	
5 mahogany chairs,	15	
1 centre-table,	25	
2 small astral lamps,	5	
12 bamboo chairs,	6	
1 rocking-chair,	1	50
2 wooden do.	1	
1 old rifle,	5	
1 mahogany bedstead,	25	
1 wash-tub, pitcher, basin, &c.	10	
1 old carpet,	10	
1 box mathematical instrument,	3	
1 set andirons, shovel, &c.	2	50
2 small looking-glasses,	1	
1 large silver ladle,	10	
6 large silver tablespoons,	30	
6 " " " forks,	18	
3 " " desert "	6	
6 large ivory-handle knives,	2	50
3 small " "		75
2 silver salt-spoons,		75
1 celery-stand, &c.	10	
6 light silver tablespoons,	9	
22 small sized jelly-glasses,	3	

1 hair mattress,	$15	
2 p. bed blankets,	4	
4 feather pillows,	4	
2 bolsters	4	
1 feather bed,	10	
1 cotton mattress,	4	
2 p. linen sheets,	10	
2 p. cotton do.	10	
4 pillow-cases,	1	
2 calico comforts,	5	
1 Marseilles quilt,		25
10 diaper towels,	1	
12 napkins,	3	
12 old do.	1	80
3 damask table-cloths,	6	
1 lot kitchen furniture,	10	
1 plate warmer,	5	
1 large bowl,	2	
1 *pony marshal*,	20	
333⅓ b'ls corn,	200	
274 bushels peas,	137	
Total amount of horses omitted,	88	
	$10,173	85

LOT No. 3, ALLOTTED TO SUSAN L. BRICKELL.

Negro Slaves.

Willis,	$650
Louisa, wife of Willis,	550
Ketty, child of Louisa,	500
Jaky,	400
Frank,	400
Lewis,	300
Lucy,	200
Isham,	900
Annica, wife of Isham,	700
Mirinda, child of Annica,	100
Washington,	800
George Ross (blind),	100
Lilly, his wife,	700
Simon, child of Lilly,	125
Candis,	100
Caroline,	50
Margaret,	700
Emelvine,	675
Ishmael,	250
Clara,	300
Big Betsey,	400

Mules.

Jolly,	$80
Hetty,	65
Snipe,	60
Dragon,	60
Sally,	40

Horses.

Caroline,	25
Charley,	10
Printer,	5
Old Crown,	1
11 sheep,	22
17 large hogs,	42 50

Oxen.

Setin and Logan,	40

Cows and Calves.

Browny,	15
Laura and calf,	12
Mary and "	10
Sophia,	12
Lilly and calf,	10
Harriett and calf,	10
Rhoda,	10
Stacy and calf,	8
Milly,	12
Tuy $5, and Lizzi $5,	10

Plantation Implements.

1 yoke,	1
1 market wagon,	15
2 coupling chains,	1 50
3 blue ploughs,	6
2 red "	12
1 old "	25
2 scrapers,	2
1 jumping plough,	2
1 sweep,	50
1 opener,	1
2 wooden tooth harrows,	50
2 p. double trees,	2
3 p. harness, traces, &c.,	2 25
10 weeding and cane hoes,	1
2 axes,	1 50

Furniture.

2 card tables,	$10	
5 mahogany chairs,	15	
1 set mantel lamps,	20	
1 parlor set, shovel, &c.,	15	
1 library books,	99	07
1 mahogany dining-table,	4	
1 set Japin waters,	4	
1 barometer,	5	
1 small solar lamp,	2	
1 small shut gone,	5	
1 mahogany bedstead,	25	
1 washstand, &c.,	10	
1 plain drawing bureau,	8	
1 set andirons, &c.,	2	
2 Britannia candlestick,		50
1 bedstead $1, 1 washstand $1, five ways $1,	3	
6 large silver spoons,	30	
6 " " forks,	18	
3 " desert "	6	
6 large ivory handle knives,	2	50
3 small do. "		75
1 doz. nut crackers,	1	50
6 large silver tablespoons,	12	
28 wineglasses,	6	
4 cut glass salt-stands,	1	
1 hair mattress,	15	
2 p. bed blankets,	4	
6 feather pillows,	4	
2 bolsters,	4	
1 wool mattress,	10	
1 feather bed,	10	
2 pillows,	2	
2 p. linen sheets,	10	
3 " do. old,	3	
4 pillow-cases,	1	
4 calico comforts,	5	
12 old napkins,	1	80
2 cradle Marseilles quilts,	2	
3 damask table-cloths,	9	
1 Wraxall Memoirs,	2	
333⅓ bbls. corn,	200	
10,000 pea hay,	62	50
	$10,158	70

LOT No. 4, ALLOTTED TO MARY S. CONNER.

Negro Slaves.

Alfred, the engineer,	$750
Frances, wife of Alfred,	650
Celia, child of Frances,	350
Alfred, " "	100
Old Bella,	250
Kyke,	800
Peggy, his wife,	700
Harry,	700
Betsey, wife of Harry,	600
William, child of Betsey,	100
Martha,	600
Mery,	575
Eliza, child of Mary,	175
William,	900
Harriett,	700
Judy Watkins,	550
John Bisland, child of Judy W.,	50
1 piano and stool,	255

Mules.

Mary Jane,	80
Lilly,	70
Queen,	50
Rhody,	30
Boliva,	20

Horses.

1 gray mare and 2 colts,	45
Blueskin $15, Jenny $5, white pony $15,	35
11 sheep,	22
17 small hogs,	17
Oxen, Ball & Dick,	45

Cows & Calves.

Old Vina & calf,	15
Harriett & calf,	12
Judy & Martha,	20
Betsy & calf,	10
Rosa & calf,	10
Black-eye,	12
Molly & calf,	8
Bugging & calf,	6
Mahale, Jackson a bull,	11

Plantation Implements.

2 yokes,	$2	
1 ox waggon,	125	
4 blue ploughs,	8	
2 red "	12	
2 old "		50
2 scrapers,	2	
1 jumping plough,	2	
1 sweep & 1 opener,	1	50
1 iron tooth harrow,	4	
2 wooden do.		50
1 double tree,	1	
2 p. traces, harness, &c.,	2	25
8 weeding & cane hoes,		80
3 axes & 1 large scraper,	4	25
1 old carriage,	5	

Furniture.

1 extensive table,	40	
5 mahogany chairs,	15	
1 large astral lamp,	5	
12 vols. writings of Washington,	30	
4 small bamboo chairs,	1	
1 old " "		50
1 mantel lamp,	1	50
2 pocket pistols,	3	
1 mahogany bedstead,	25	
1 washstand, bowl, &c.,	10	
1 carpet in the library,	10	
1 set andirons, &c.,	2	
1 old carpet,	5	
1 washstand & carpet,	3	
6 large silver table spoons,	30	
6 " " forks,	18	
3 " desert,	6	
6 " ivory handle knives,	2	50
3 small " "		75
1 old white and gilt China set,	25	
4 cut glass decanters,	2	
4 brass candlesticks,	1	
6 light silver table spoons,	9	
22 glass goblets,	4	
15 yds. twilled cotton,	1	87½
1 hair mattress,	15	
2 p. old blankets,	4	
4 feather pillows,	4	

2 bolsters,	$4	
1 feather bed,	10	
2 pillows,	2	
2 p. linen sheets,	10	
3 p. " "	6	
2 pillow-cases,		50
2 calico carpets,	5	
2 Marseilles quilts, (old,)		50
1 " "	6	
10 diaper towels,	1	
12 napkins,	3	
4 damask table-cloths,	3	
2 bolsters,	2	
666⅔ bbls. corn in the shuck,	400	
	$10,230	92

LOT NO. 5, ALLOTTED TO EVELINA B. CONNER.

Negro Slaves.

John the waggoner,	$1000
Betsy his wife,	1000
Robert, child of Betsy,	500
Delia, " "	150
John Bella,	800
Charlotte, his wife,	650
Child of Charlotte,	50
Lewis,	800
Susan, wife of Lewis,	700
Jim,	650
Lucy Jane,	500
Stecia,	700
Lizzi, child of Stecia,	100
Anthony,	150
Butler,	100
Phœbe,	700
Sampson,	150
Eve,	50

Mules.

Severy $75, Pet $70, Rolla $60,	205
Kentucky $60, Whale $50,	110

Horses.

Sorrell $15, bay mare and colt $10,	25
Bald sorrel colt,	5
11 sheep,	22

Oxen.

Charley & Brown, Jean & Harry,	$65	

Cows and Calves.

Haga and calf, young Flore and calf,	27	
Visa $12, Julianne and calf $12,	24	
Cherry $10, Fanny $10,	20	
White Fure $10, Tabby and calf $8,	18	
Tauca and calf $8, Celia $6,	14	
1 brown steer,	15	

Plantation Implements.

2 yokes $2, 1 horse cart $10,	12	
1 coupling chain 75 c., 1 log do. $1 50,	2	25
2 blue ploughs $6, 2 red do. 12,	18	
2 scrapers $2, 1 jumping plough $2,	4	
1 sweep 4|, 1 opener 8|,	1	50
1 wooden tooth harrow,		25
1 double tree,	1	
2 p. harness, traces, &c.,	1	50
8 weeding hoes 80 c., 3 axes $2 25,	3	05

Furniture.

5 mahogany chairs,	15	
1 marble top table,	20	
1 set mantel lamps,	20	
1 parlor set, &c.,	15	
1 sideboard,	15	
1 doz. bamboo chairs,	6	
1 rocking chair,	1	50
6 old candlesicks,	6	
1 crumb cloth, &c.,	10	
1 old sofa,	8	
1 cherry table,	6	
1 desk,	3	
1 mahogany bedstead,	25	
1 " bureau, &c.,	10	
1 candle stand,	1	
1 carpet,	30	
1 common bedstead,	3	
6 large silver spoons,	30	
6 " " forks,	18	
3 desert,	6	
6 large ivory handle knives,	2	50
3 small " "		75
1 China dinner set,	20	

4 decanters,	$4	
10 silver teaspoons,	5	
24 claret glasses,	6	
4 salt stands,	1	
1 set castors and stand,	5	
8 bbls. cement,	4	
10 cotton negro shirts,	4	
1 hair mattress,	15	
2 p. bed blankets,	4	
4 feather pillows and 2 bolsters,	8	
1 feather bed and 1 p. linen sheets,	15	
4 pillow-cases, 2 calico comforts,	6	
2 old Marseilles quilts,		50
10 diaper towels and 12 napkins,	4	
3 damask table-cloths,	6	
233⅓ bbls. corn,	140	
15,000 bbls. fodder,	75	
	$10,117	80

LOT NO. 6, ALLOTTED TO MRS. SUSAN E. CONNER.

Negro Slaves.

Albert, house servant,	$1,100
Matilda, his wife,	700
Aaron,	900
Grace, his wife,	600
Becky, child of Aaron,	350
Bryant,	850
Louisa Brown, his wife,	700
Phill,	900
Eliza, wife of Phill,	700
Old King,	100
Susan,	700
Peggy, child of Susan,	200
Rachael,	100
Old Sam,	75
Hannah Brown,	700

Mules.

Judy, Clark and Doll,	145
Buck, $50; Doctor, $40,	90

Horses.

Fox, gray mare, and 2 colts,	95
Sorrel mare and colt, and Prime,	28
11 sheep,	22

Oxen.

Dimond and Tony,	$40	
Nigger and Buck,	30	

Cows and Calves.

Elsy and calf, Sally and calf,	27	
Anna, Isabella and calf,	24	
Mouse and calf, old Flore,	20	
Vina and calf, Louisa and calf,	18	
Mary, Haza,	16	
23 yearlings, and 2 y'rs old calves,	83	

Plantation Implements.

1 yoke, 1 old horse, &c. &c.,	91	
2 coupling chains,	1	50
4 blue ploughs and 1 red,	14	
2 old " 2 scrapers,	2	50
1 jumping plough and 2 sweeps,	3	
1 opener, and 1 iron-tooth harrow,	4	25
2 wooden harrows,		50
2 p. double-trees,	2	
2 " harness, traces, &c.,	2	25
8 weeding hoes,		80
3 axes, and 1 large scraper,	4	25

Furniture.

1 sofa, and 2 ottomans,	38	
2 carpets, and 2 rugs,	31	
8 curtains, rods and rings,	32	
5 mahogany chairs,	15	
12 rush-cotton chairs,	6	
1 mahogany table	4	
1 galvanic battery,	10	
1 shot gun,	15	
1 mahogany bedstead,	25	
1 set andiron, &c.,	2	50
2 candlesticks,		50
1 old medicine-chest and contents	25	
1 bedstead	3	
1 washstand, &c.,	3	
6 large silver spoons,	30	
6 " " forks,	18	
3 desert,	6	
6 ivory-handle knives,	2	50
3 " " small,		75

6 nut-crackers,	$1	50
24 tumblers,	6	
6 large silver spoons,	12	
24 champagne glasses,	6	
1 glass custard-bowl, &c.,	7	
10 cotton negro shirts,	4	
2 p. bed-blankets,	4	
2 hair mattresses,	30	
2 feather pillows,	6	
2 bolsters,	4	
1 feather bed,	10	
2 p. linen sheets,	10	
2 " " "	6	
2 calico comforts,	5	
12 old napkins,	1	80
2 Marseilles quilts,	2	
2 damask table-cloths,	4	
1 carriage and horses,	375	
	$10,200	60

JOHN N. HELM, *Commissioner.*
WM. B. FOWLES, "
JOHN H. THORN, "

Whereupon, on reading and filing said report, the Court thought proper to make and cause to be enrolled and recorded the following decree in the premises, to wit:—

STATE OF MISSISSIPPI,
Adams County:

In the Probate Court, December Term, A. D. 1850.

MARY S. CONNER *& als.*
vs.
SUSAN E. CONNER *& als.*

On reading and filing the report of the Commissioners appointed in this case at the last term of this Court, to divide the negro slaves and other personal estate of Henry L. Conner, deceased, among the widow and children of deceased, it appearing to the satisfaction of this Court upon hearing said report, and the exhibits therewith filed, that the said Commissioners have divided the said personal estate agreeable to the statute and the directions of the decree in this behalf, and in all other things conformed thereto; and the said petitioners, by their counsel, having this day appeared and moved the Court to confirm said report; and the Court being now fully advised in the premises, doth therefore order, adjudge and decree, that said division and report do in all things stand ratified and confirmed, to be observed and abided by, by all concerned therein, and that said

report and all proceedings had in the matter of said division be recorded. And it is further ordered by the Court that said partition, as far as it relates to the real estate of said deceased, be retained for the further consideration of this Court.

Ordered, adjudged, and decreed, this 28th day of December, 1850.

R. BULLOCK,
Judge.

STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of the County of Adams, State of Mississippi, do hereby certify that the foregoing twenty pages contain a true, perfect, and complete transcript of the original paper and proceedings filed and had in the cause therein stated of the division and distribution of the personal estate of Henry L. Conner, deceased, among the widow and heirs of said deceased, as fully and completely as the same remain of record and on file in my office.

[L. S.] In testimony whereof, I have hereunto set my hand and the seal of said Court, at the City of Natchez, the 19th day of January, A. D. eighteen thousand and fifty-four.

R'D A. INGE,
Clerk.

STATE OF MISSISSIPPI,
Adams County.

I, Reuben Bullock, Judge of the Probate Court (sole and presiding) of the County of Adams, State aforesaid, do hereby certify that R'd A. Inge, whose genuine signature appears to the above certificate and attestation, is, and was at the date thereof, Clerk of said Court, duly elected, qualified, and commissioned, that his said certificate and attestation are and ought to be entitled to full faith and credit in judicature and thereout.

Given under my hand and seal this 18th day of January, A. D. 1854.

[SEAL.] R. BULLOCK.

Filed in evidence March 27th, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
D'y Cl'k.

(*P.*)

STATE OF MISSISSIPPI,
Adams County, ss:

Proceedings before the Honorable Reuben Bullock, Judge of the Probate Court of Adams County, State of Mississippi, at a term of said Court, begun and held at the Court-house in and for said County on the fourth Monday in January, in the year of our Lord 1850.

Be it remembered, that heretofore, to wit, at a term of the Probate Court of Adams County, begun and held at the Court-house thereof, on the 4th Monday of October, in the year of our Lord 1849, Susan E. Conner, widow of Henry L. Conner, late of said County, deceased, filed in our said Court her certain petition in the words and figures following, to wit:—

To the Honorable REUBEN POLLOCK, Judge of the Probate Court of Adams County, Mississippi.

Respectfully shews the petition of Susan E. Conner, that she is the widow of Henry L. Conner, late of said county, who departed this life in the month of September last, leaving surviving him a family, consisting of your petitioner and children, and that your petitioner is advised, that she and her children are entitled to have one year's support now set apart from the effects of their said husband and father:

Your petitioner therefore prays, that three Commissioners may be appointed by your Honor and directed to select and set apart out of the provisions or effects of decedent one year's provision for your petitioner and said children.

And your petitioner shall ever pray, &c.

SUSAN E. CONNER.

Afterwards, to wit, at a Term of said Court, begun and held at the Court-house in and for said County on the fourth Monday in December, in the year of our Lord one thousand eight hundred and forty-nine, the following order was made by the Court in the premises, to wit:—

In the matter of the application of the widow of Henry L. Conner, deceased, for one year's provision.

Upon reading and filing the petition of Susan E. Conner, the widow of Henry L. Conner, deceased, in her own behalf and that of the children of said decedent, it is ordered by the Court, that John F. Gillespie, James A. Gillespie and James Railey be and they are hereby appointed Commissioners, and directed to select and set apart out of the stock of provisions or effects of said decedent, one year's provision for the widow and children, and that they make and return a full report of their proceedings, under and by virtue of this commission, as soon as conveniently may be, to this Court.

Afterwards, to wit: at a Term of said Court, begun and held at the Court-house in and for said County, on the day and year first above written, the said John F. Gillespie, James A. Gillespie and James Railey, Commissioners as aforesaid, brought in, filed and submitted their certain report, made under said order, in the words and figures following, to wit:—

The undersigned Commissioners, appointed by this Honorable Court, at the last term of this Court, "to select and set apart out of the stock and provisions or effects of Henry L. Conner, deceased, one year's provision for Susan E. Conner, the widow and the children of said deceased," beg leave to report that, in pursuance of said appointment, we have this day proceeded in the discharge of our duty, after duly considering the circumstances and the magnitude of the estate of said decedent, the station and situation in life of said widow and children, and their present necessities, have selected and set apart for their support during the ensuing year all of the provisions which the deceased had at his last habitation and the sum of three thousand dollars in money, out of which sum she is to allow to each of the eldest children, Mary and Susan, the sum of three hundred dollars each for clothing, &c.

Jan'y 2, 1850.

Respectfully submitted,

JOHN F. GILLESPIE. [SEAL.]
J. RAILEY. [SEAL.]
JAMES A. GILLESPIE. [SEAL.]

Sworn to and subscribed before me, this 5th day of January, 1850.

W. C. COFFIN, *J. P.* [SEAL.]

Whereupon, on reading and filing said report, the Court thought proper to make and cause to be recorded the following order in the premises, to wit:

In the matter of the application of Susan E. Conner, the widow of Henry L. Conner, deceased.

On reading and filing the report of John F. Gillespie, James A. Gillespie and James Railey, the Commissioners appointed by this Court to select and set apart from the stock of provisions and effects of said deceased one year's provision for the said widow and the children of decedent, the Court having this day examined and approved said report, doth order that the same be in all things confirmed, and that the said Susan E. Conner, as Administratrix, and William St. John Elliott, as Administrator, of the goods, chattels, rights and credits of said decedent, doth comply with the same, by delivering over to the said Susan E. Conner, as widow aforesaid, the provisions, and by paying to her the money set apart for her use by

said Commissioners, and that they credit themselves therewith in their next settlement with this Court.

THE STATE OF MISSISSIPPI,
Adams County, ss.

I, Richard A. Inge, Clerk of the Probate Court of the County of Adams, State aforesaid, do hereby certify, that the foregoing one and one-half pages contain a true, perfect, and complete transcript of the original papers and proceedings filed and had in the cause therein stated, of selecting and setting apart one year's provision to the widow and children of Henry L. Conner, deceased, as fully and completely as the same remain of record and on file in my office.

In testimony whereof I have hereunto set my hand and
[L. S.] the seal of said Court, at the City of Natchez, the 10th day of January, A. D. eighteen hundred and fifty-four.

RICH'D A. INGE,
Clerk.

THE STATE OF MISSISSIPPI,
Adams County, ss.

I, Reuben Bullock, Judge of the Probate Court (sole and presiding) of the County of Adams, State of Mississippi, do hereby certify, that Richard A. Inge, whose genuine signature appears to the foregoing certificate and attestation, is, and was at the date thereof, Clerk of said Court, duly selected, qualified, and commissioned; that his certificate and attestation are in due form of law, and that all of his acts in the premises are, and ought to be entitled to full faith and credit in judicature and thereout.

Given under my hand and seal, the 18th day of January, A. D. 1854.

R. BULLOCK. [SEAL.]

Filed in evidence March 27, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
Dep. Cl'k.

(*Q.*)

VIDALIA, *May 15th*, 1851.

MADAM—

Your letter, dated May 12th, has reached us, and will receive our undivided and earnest attention. At the same time that we fully appreciate the injustice done to foreign wifes, either by our laws or by an erroneous exposition of them by our Courts, it matters not which, and are deeply sensible of the wrongs they suffer from the above causes, we

are unable to express any hope that you will be recognized or admitted by our Courts as having any community rights in the property acquired by your husband in *this State* during your marriage with him—our Supreme Court having now established the iron rule that no such community does or shall exist. While we regret the wrongs you have suffered at the hands of the members of your family in another State, you must be aware that we are powerless to redress them.

As soon as one of us can visit the Parish of Tensas, and examine the papers in the Record of your husband's estate, we will advise you as to the nature and extent of the relief—if any—which we think our laws will accord to you, either as the tutrix of your children or in any other capacity. We would like, if you have no objections, that you should answer the following questions. We know not of the facts stated by you would be of advantage to you, or assist you in maintaining your rights—*still it is possible.* Therefore, we ask you the following questions:—

1st. When and where and by whom were you married?

2d. At the date of your marriage, what was your age?

3d. At the same date, were you or not an orphan? If so, from what time have you been such? And at what time did your father and mother die?

4th. Where did your father and mother reside up to the period of their death? and did you or not reside with them?

5th. Did you or not have a tutor or guardian after the death of your parents? If yes, when and where was he appointed, and what was his name? and where did he reside? Where did you reside after his appointment till your marriage, and where were you residing at the date of your marriage and with whom?

6th. What property belonging to you came into the hands of your tutor after his appointment? What was the character of the property, lands, slaves, credits or stocks, and what its amount, and from what source, and in what manner did you become the owner of it?

7th. Was this property ever transferred by your tutor to your husband? If so, what was the property received by your husband from your tutor? Was it lands, slaves, money, or anything else, and to what amount?

8th. How long after your marriage, and at what place was this money, or rather property, delivered or paid to your husband by your tutor?

9th. After receiving this property, what use did your husband make of it? If money, how did he spend it, or in the purchase of what did he invest it? You will please state anything else that you may believe may have a bearing on the matter. These questions are asked by the member of the firm who has no information upon the subject except what is mere rumor. As before stated, it is barely

possible that a full knowledge by us of the facts might be serviceable to you.

Very respectfully,
Your obe't serv'ts,
STACY & SPARROW.

Mrs. HENRY L. CONNER,
Berkley, Miss.

Filed in evidence March 27th, 1854.
F. L. GLOVER,
Clerk.
By WM. H. GARRETSON,
D'y Cl'k.

(*R.*)

VIDALIA, *September 20th*, 1852.

MADAM:—

The family meeting of the friends of the minors to fix the terms of sale of their interest in the property of the succession of your husband in the Parish of Tensas, was held last fall. None other will be held. When at Tensas I was taken sick, and did not look at the proceedings, and cannot positively state the terms. I think they were part cash, and the balance payable in one and two years. Will you be so good as to send me the terms *upon which you wish to have your interest sold. It is useless to attempt to prevent a partition*, or so far as the land is concerned, that it should be made by a sale.

Respectfully,
D. S. STACY.

Filed in evidence March 27th, 1854.
F. L. GLOVER,
Clerk.
By W. H. GARRETSON,
Dep. Cl'k.

(*S.*)

TENTH DISTRICT COURT,
Parish of Tensas, State of Louisiana.

SUSAN E. CONNER
vs.
THE ADM'R AND HEIRS OF H. L. CONNER, dec'd.

Interrogatories to be propounded to William E. Hall, a witness for plaintiff, to be answered by consent before any magistrate of the Parish.

Interrogatory 1st. Do you know the parties of this suit? and, if

yea, do you know anything about the partition sale of the Arcola Plantation and slaves in this Parish?

2d. Have you ever heard either Mr. Blake, Mr. Castillo, or Dr. Brickle (plaintiff's sons-in-law), acknowledge that they had made any private agreement with George M. Marshall, guaranteeing to him that he might purchase said property at a fixed price at the public sale thereof? and, if yea, what was the price?

3d. Had you ever any idea of bidding for said property at the sale thereof, either for yourself or others? and, if so, did you do so? and, if not, what deterred you from so doing?

4th. Was it or not a common rumor about the parish that the heirs of H. L. Conner, or their husbands, had made a private agreement with George M. Marshall, or any one else, that he should have the property at a fixed and certain price at the public sale thereof, and was it or not generally believed by your acquaintances and men of capital in the parish, and spoken of by them as a bar to all competition? State all you know about this.

5th. Did or not H. L. Conner, during his lifetime, erect a comfortable family residence and dwelling on his Arcola plantation in this parish, and did he or not during a large portion of the winters during the latter years of his life reside with his family on said plantation in this parish?

6th. Have you or not at various times seen Mrs. Conner, the plaintiff, during her husband's lifetime, engaged on said plantation in making negro clothes for said plantation, and engaged in various household duties thereon?

THOS. P. FARRAR,
Att'y for Plaintiff.

I object to the 4th interrogatory, on the ground that the testimony sought to be elicited is only hearsay, and consequently inadmissible.

Cross-interrogatory 1st. Please to state what you considered the fair value of the "Arcola" plantation and slaves, &c., to have been on the 1st Saturday of February, 1853.

2d. Did you not consider the sum of $135,050 on that day to be the full value of said property?

3d. Do you know anything of the habits of life of the late H. L. Conner? Was he an extravagant man, fond of and indulging in an expensive style of living? and was he not, on the contrary, an economical man in his habits, and averse to incurring other than necessary expenses?

4th. Did not the overseer on Arcola occupy the residence thereon?

H. B. SHAW,
Curator at hoc.

Answers.

To interrogatory 1st. I do know the parties, and know they owned a plantation in Tensas Parish, La., called "Arcola." The planta-

tion was stocked with slaves, and well found in everything and well improved.

To interrogatory 2d. I never heard either Mr. Blake, Mr. Castilo, or Dr. Brickle say anything about the sale.

Int. 3d. I had an idea and intended to bid for the property when it was first to be sold. But the sale was postponed, and, of course, I did not bid for it either for myself or any other person.

Int. 4th. It was certainly a rumor that a private sale of the Arcola plantation and all belonging to it had been made by the sons-in-law of the late H. L. Conner to Mr. George M. Marshall at a fixed price. I was myself satisfied such was the fact. This, together with the fact (which I learned) of a large capitalist intending to bid for the property, deterred myself, and no doubt every one from attending the sale at St. Joseph, where it was sold. I did not attend the sale for the reason first mentioned, viz: I was satisfied Mr. George M. Marshall would be the highest bidder.

Int. 5th. There was a very comfortable house erected and nearly finished on the Arcola plantation, which the family occupied when on the Arcola plantation. Mr. Conner and his family were frequently on the place, and spent a good deal of time there.

Int. 6th. Mrs. Conner was always busily employed when on the Arcola plantation, attending to all the duties required on such a place, making or having made the negro clothes as well as other duties.

Cross-interrogatory 1st. I considered the Arcola plantation and all appertaining to be worth fully what it was appraised at, which was about $135,000, I believe.

Cross-interrogatory 2d. This is answered above, and at the time the sale took place the sum of $135,050 would have been a fair price. But the property was sold for about $113,000.

Cross-interrogatory 3d. Mr. Conner was in his personal appearance a very economical man; he was fond of fine improvements and a good style of living. I do not think he expended money very extravagantly or unnecessarily.

Cross-int. 4th. The overseer lived in the house after Mr. Conner's death, not before, I think.

WM. E. HALL.

Sworn to and subscribed before me this the 21st day of March, 1854.

ALONZO SNYDER,
Judge 10th District.

Filed in evidence March 27, 1854.

F. L. GLOVER, *Clerk.*
By WM. H. GARRETSON, *Dep. Cl'k.*

(*T.*)

STATE OF LOUISIANA,
Parish of Concordia.

Before me, Thomas Edwards, Justice of the Peace in and for said parish, this day came Mrs. Susan E. Conner, of Adams county, Mississippi, mother and natural tutrix of Mary J. Conner, Susan L. Conner, Evelina B. Conner, Anna F. Conner, and Louisa R. Conner, minor children and heirs of H. L. Conner, deceased, duly recognized and confirmed in her said capacity of natural tutrix by the Tenth District Court of the Parish of Tensas; and being duly sworn, she declares and says that she will well and faithfully do and perform all and singular the duties and trusts incumbent on her as tutrix as aforesaid, according to law, and to the best of her knowledge and abilities.

SUSAN E. CONNER.

Sworn to and subscribed this 20th day of October, 1849, before me,
THOMAS EDWARDS,
Justice of the Peace.

STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court.

Duly recorded in Record Book "A" of Successions, at page 243.
Witness my hand and the seal of said Court, this 26th Feb'y, 1850.
[L. S.] F. L. GLOVER, *Clerk.*

Filed January 2d, 1850.
F. L. GLOVER, *Clerk.*

Filed in evidence March 27th, 1854.
F. L. GLOVER, *Clerk.*
By WM. H. GARRETSON, *Clerk.*

(*U.*)

Answers of W. Jackson, Jr., a member of the firm of Wm. Jackson & Co., to the interrogatories from the Tenth District Court, Parish of Tensas, State of Louisiana, in the case of

SUSAN E. CONNER
vs.
ADM'RS AND HEIRS OF HENRY L. CONNER, deceased.

Answer, 1st interrogatory. Wm. Jackson & Co. were factors for the estate of Henry L. Conner, deceased, in 1849, 1850, 1851, and 1852, and received the crops of cotton produced on the Arcola plantation during those years, part of which were sold in the city, and part shipped to Liverpool and sold by Wm. Jackson, Sons, & Co. there.

The crop of 1849 amounted to 225 bales, and was sold in Liver-

pool, netting £2,674 5|6. The crop of 1850 amounted to 171 bales, and was sold in Liverpool, netting £1,236 3|10.

The crop of 1851 amounted to 277 bales, of which 199 bales were sold here, and netted $6,192 88, and 78 bales were sold in Liverpool, but I can only find a record of 50 bales, netting £462 5|7. The proceeds of the other 28 bales will be found in the account current of W. Jackson, Sons, & Co. with the estate for the year '52.

The crop of 1852 amounted to 590 bales, and was sold here, netting $18,780 76.

Answer to cross-interrogatory. I do not know fully the pecuniary situation of Mrs. Conner, the plaintiff, but am inclined to believe it would require two successful crops to make her comfortably independent.

WASH. JACKSON, JR.

The foregoing was signed some months since by W. Jackson, Jr., and now in his absence, I, John Nuin, broker for W. Jackson & Co., declare it to be a true transcript from their books.

J. N. NUIN.

New Orleans, 24 August, 1854.

Sworn to and subscribed before me this 24th day of August.

C. V. JONTE,
Justice of the Peace.

Filed in evidence August 28, 1854.

JULIUS NEVIN,
Clerk.

(*W.*)

STATE OF LOUISIANA,
Parish of Tensas:

Pursuant to an order to me directed from the Honorable the Tenth District Court of said State and Parish, of date of January 4th, 1850, I convened at my office in the town of St. Joseph on Friday, January 4th, 1850, at 11 o'clock A. M., a family meeting, composed of Reeve Lewis, Peter Alexander, Edgar D. Farrar, L. V. Reeves, H. R. Sidwell, friends of the minors, Mary S. Conner, Susan S. Conner, Evelina B. Conner, Anna F. Conner, and Louisa R. Conner, convoked at the instance of Susan E. Conner, Tutrix of said minors, who took and subscribed the following oath: We, the undersigned members of the family meeting of the minors Mary S., Susan L., Evelina B., Anna F., and Louisa R. Conner, do solemnly swear that we will well and truly advise, and deliberate, and recommend, touching the interest of said minors, and especially as to the

matters contained in the petition of the Tutrix for a family meeting, this day submitted to us.

E. D. FARRAR,
PETER ALEXANDER,
L. VINCENT REEVES,
H. R. SIDWELL,
REEVE LEWIS.

Sworn to and subscribed before me this 4th of January, A. D. 1854.

ROBERT Y. SKINNER,
Recorder.

Whereupon said family meeting proceeded to advise and deliberate upon the matters submitted to them, and thereupon did advise and recommend that the said Susan E. Conner, Tutrix, be authorized to purchase the additional number of slaves necessary for the proper and advantageous cultivation of the plantation belonging to the succession of their deceased father on behalf of and in name of said minors with this condition; as it is yet undetermined whether Susan E. Conner, as Widow of said Henry L. Conner, deceased, has any interest in said succession, and if she has, to what extent, in case it should be decreed that she has such interest, Mrs. Conner shall pay of the price of said slaves of that proportion, and thereto corresponding.

Done and signed this the 4th day of January, A. D. 1850, in presence of John H. Montgomery and Francis L. Glover, competent witnesses, who have hereto signed their names, together with said members and said under tutor and me said Recorder.

E. D. FARRAR,
PETER ALEXANDER,
L. VINCENT REEVES,
H. R. SIDWELL,
REEVE LEWIS.

I approve of the foregoing recommendations.

LEM'L P. CONNER,
Under Tutor.

Attest:
J. H. MONTGOMERY,
F. L. GLOVER.

ROBERT Y. SKINNER,
Recorder.

STATE OF LOUISIANA,
Parish of Tensas:

I certify the within and the foregoing to be a true and correct copy of the original now on file and of record in my office.

[L. S.] Witness my hand and seal this 5th day of March, 1851.

ROBERT Y. SKINNER,
Recorder.

By JOHN PHILLIPS,
Dep. Recorder.

Filed 7 March, 1851.

F. L. GLOVER,
Clerk.

Filed in evidence March 27, 1854.

F. L. GLOVER,
Clk.

By WM. H. GARRETSON,
Dep. Clk.

To the Honorable the Judge of the Tenth Judicial District of the State of Louisiana, holding sessions of the District Court in and for the Parish of Tensas.

The petition of Susan E. Conner, a *feme sole*, widow of Henry L. Conner, deceased, residing in Adams County, in the State of Mississippi, respectfully shows:

That her said husband died in the year A. D. 1849, in said County, where he resided and was domiciliated. That at his death he left five minor children, the issue of his marriage with your petitioner, named Mary S., Susan L., Evelina B., Anna F., and Louisa R. Conner. That your petitioner was, on the 5th day of October, A. D. 1849, by the District Court of the Parish of Tensas aforesaid, duly qualified as natural tutrix of her above named minor children. That her said husband, at his death, owned a plantation and slaves, situate in the Parish of Tensas, which were inventoried and appraised at about $60,000, which still belong to and make a part of said succession. That since his death, a certain number of slaves (your petitioner is *now* unable to specify precisely how many) have been purchased with the revenues of the property of the succession of her said husband, placed on, and are employed on said plantation belonging to it in said Parish of Tensas.

That said succession was, at the death of her said husband, not indebted, but that on the 28th February, 1851, Wm. St. John Elliott, who resides in Adams County, State of Mississippi, was by the District Court of the Parish of Tensas, appointed administrator of the succession of her said husband in the State of Louisiana. That

said Wm. St. John Elliott has left no power of attorney, or appointed any agent to act for him in the said Parish of Tensas, where he was appointed administrator, and that your petitioner is unable to have personal service made upon him. Petitioner shows that since the date of her aforesaid appointment, the said Mary S. Conner has arrived at the age of majority, and that the said Susan L. Conner has intermarried with one Dr. Daniel W. Brickell, residing in Adams County aforesaid, but that your petitioner still remains and is the natural tutrix of her three youngest children, Evelina B., Anna F., and Louisa R. Conner. Shows that at the death of her said husband, his succession was not indebted or involved, or if indebted, that all its liabilities have since been paid and settled. Petitioner shows, that as the natural tutrix of her aforesaid three minor children, she is entitled to the possession, control, and administration of all their property, which she alleges exceeds in value of ten thousand dollars. Petitioner shows that she has furnished, from her own means and resources, a part or all of the support of said minor children, and also has furnished partially the supplies for the plantation belonging to the succession of her said husband. Petitioner specially reserves the right to file an amended petition touching these points, should it become necessary, and should not all these matters be amicably settled between her and the administrator.

Wherefore, the premises considered, petitioner prays that the said Wm. St. John Elliott may be ordered to render a full account, as administrator of the succession of said Henry L. Conner, of his administration thereof, to pay over to your petitioner, as tutrix aforesaid, all the money in his hands derived from said succession, or such portion thereof as may be the private share of said three minors, and to surrender up and deliver over to her, as tutrix, all the property of said succession, of whatever kind, or the proportion thereof belonging to said three minors, and for general relief in the premises, &c., that she recover costs, &c.

STACY & SPARROW,
Att's for Pet'r.

Service of this petition accepted, and citation and copy waived. Sept. 3, 1851.

H. B. SHAW,
Att'y for Def't.

Filed September 5th, 1851.

F. L. GLOVER,
Clerk.

TENTH DISTRICT COURT,
Parish of Tensas:

SUSAN E. BRICKELL AND HUSBAND
vs.
S. E. CONNER, Tutrix, *& al.* } No. 462.

To the Honorable the Judge of the Tenth Judicial District of the State of Louisiana, holding sessions of the District Court in and for the Parish of Tensas.

The petition of Susan E. Conner, residing in Adams County, State of Mississippi, respectfully shows—

That Henry L. Conner, the husband of your petitioner, died, leaving a large property, consisting of a plantation, slaves, &c., situate in the Parish of Tensas, and that several slaves have been, since his death, purchased and placed on said plantation, and are held and owned by the heirs of said Conner, in equal undivided portions.

That the said H. L. Conner left, at his death, five children, issue of his marriage with your petitioner, viz: Susan E., Mary S., Evelina B., Anna F., and Louisa R. Conner, and who are his only heirs. That the three last named are minors, and that yonr petitioner was confirmed and qualified natural tutrix of said minor children. That lately the said Evelina B. has intermarried with one Charles B. Castillo, and is no longer under the tutelage of your petitioner.

That on the 7th October, A. D. 1851, the said Susan E. Conner and her husband, Warren Brickell, brought a suit against your petitioner, as tutrix, and against the said Mary E. Conner, to compel a partition and division of the aforesaid property between said heirs, which is the suit entitled as within, and is now pending.

That the said Mary S. (who has since intermarried with Benson Blake) has fixed for the terms of sale of said property, as to her share therein, the following terms, viz: one-third *cash*, and the balance in two equal instalments (annual) from the day of sale, with special mortgage, to be retained on the property sold, and approved personal security to be furnished by the purchaser for the payment of the price. In case it should be decided by the Court, upon the report of experts to be appointed, that said property cannot conveniently, or without loss, be divided in kind, and a sale is necessary to effect said partition, petitioner shows that she is without authority to fix the terms and conditions of the sale for the shares in said property of the two minors, Anna F. and Louisa R. Conner, now represented by her as tutrix, and that it can only be done upon the advice of a family meeting.

She shows that said minors have no male relations or connexions residing in this State, except Lemuel P. Conner, who is their under tutor.

Wherefore, your petitioner prays that your Honor will order that

a family meeting, composed of the friends of said minors, citizens and residents of the Parish of Tensas—to be named in the order—may be ordered to be held on a day and hour to be fixed, before Robert Y. Skinner, Recorder, to deliberate and advise said minors as to the most advantageous terms and conditions for the sale of said property, as to their shares and interests therein; that the *proces verbal* of their deliberations be homologated and confirmed, and that the said under tutor, Lemuel P. Conner, be notified to attend said family meeting, and for general relief in the premises.

STACY & SPARROW,
Att's for Petitioner.

STATE OF LOUISIANA,
Parish of Tensas:

Succession of Henry L. Conner.

Having read and considered the within petition, it is ordered that a family meeting of the friends of the minors, Anna F. Conner and Louisa R. Conner—they having no male relations or connections residing in this State, except as stated in said petition—said family meeting to be composed of the following named persons, citizens and residents of Tensas, viz: J. W. Davenport, A. J. Watson, J. Andrews, A. Bondurant, and P. Alexander, to be held and convened before Robert Y. Skinner, Recorder, this day, at 11 o'clock A. M., to consult, deliberate, and advise said minors as to the most advantageous and beneficial terms and conditions for the sale of their shares and portions of the property referred to in the foregoing petition, should a sale thereof be ordered by the Court; and it is ordered that Lemuel P. Conner, the under tutor, be notified to attend said family meeting.

F. L. GLOVER,
Clerk.

March 15, 1852.
Filed March 15th, 1852.

F. L. GLOVER,
Clerk.

Suit No. 462, *in Evidence for Def'ts.*

To the Honorable James N. T. Richardson, Judge of the Tenth Judicial District of the State of Louisiana, holding sessions in and for the Parish of Tensas:—

The petition of Susan E. Conner, wife of D. Warren Brickell, residents of Adams County, Mississippi, herein authorized and assisted by her said husband, who for that purpose joins in this suit, respectfully shows that Henry L. Conner, the father of your petitioner Susan, died, leaving a large property, consisting of a plantation and slaves, &c., situated in the Parish of Tensas, where his succession is open and administered, under authority of law, by William St. John Elliott, administrator; that there are living four sisters, to wit:

Mary S., Evelina B., Anna F., and Louisa R. Conner, who, with your petitioner, are the only children and heirs of the said Henry L. Conner, deceased; that the said Mary S. Conner is over the age of majority, and that the said Evelina B., Anna F., and Louisa R. Conner, are minors, under the tutelage of Mrs. Susan E. Conner, widow of the said Henry L. Conner, deceased, and natural tutrix to said minors, duly confirmed by this Honorable Court; that the said Susan E. Conner, natural tutrix as aforesaid, residing in Adams County, Mississippi, has instituted in this Court a suit against the administrator aforesaid, requiring him to render an account of his administration, and to deliver up to her the portions of her said wards; that this cannot be done without making a partition of the property owned in common by the heirs of said H. L. Conner: shows that since the decease of said Henry L. Conner a number of negro slaves were, by the advice and recommendation of a family meeting of friends of said heirs, purchased with money belonging to them in common, and that said negroes are now attached to and employed on said plantation.

That your petitioner is desirous to have a partition made of all of said property, and to have her share set apart and allotted to her: the amount and description of said property will be duly shown on the trial of this cause.

Petitioner therefore prays, that the said Susan E. Conner, Tutrix as aforesaid, the said Mary S. Conner, one of the heirs, and the said William St. John Elliott, Administrator, &c., be cited to answer herein, and as the said Mary S. Conner is an absentee, residing in Mississippi, a Curator *ad hoc* be appointed to represent her in this suit, and that a partition of said property be decreed; and that in the event it prove to be impracticable to divide said property in kind, the same be sold at public sale to effect said partition, and for cash to the amount of the value of the portion coming to your petitioner. Prays for all proper proceedings and for general relief, &c.

H. B. SHAW,
Att'y for Pet'r.

The plaintiff amends her original petition by consent, and fixes the term of sale for her portion to be one-third of the price cash, and the remainder in two equal instalments at one and two years from the date of sale, with eight per cent. interest from maturity, if not then paid, and prays as before.

H. B. SHAW,
Att'y for Pet'r.

We accept service of the within petition and waive citation for Mrs. Susan E. Conner, Tutrix. SUSAN E. CONNER,
Tutrix.

By STACY & SPARROW,
Atty's.

Sept. 5, 1851.

Filed October 7th, 1851.

F. L. GLOVER, *Clerk.*

Answer of Mary S. Conner and Husband.

TENTH DISTRICT COURT,
Parish of Tensas, State of Louisiana:

SUSAN E. BRICKELL AND HUSBAND
vs.
SUSAN CONNER, Tutrix, and *als.*

Mary S. Conner, wife of Benson Blake, resident of the State of Mississippi, one of the defendants in the suit above stated, authorized and assisted herein by her said husband, who joins in this for the purpose, in answer to the plaintiff's petition, admits that the heirship of the plaintiff and of this respondent and her codefendants is correctly set forth, that the property is correctly described in the petition and inventory of the succession of Henry L. Conner, deceased; respondent has no objection to the partition as prayed for, and believing that to divide the property in kind would be so seriously impair the portion which might be allotted to each one of the heirs, she joins in the prayer for partition by licitation and division of the proceeds thereof, and prays for all proper proceedings, and fixes as the terms of sale of said property for so much as may be coming to this respondent, one-third cash on day of sale, the balance in two equal annual instalments, due the first one year, and the second two years after the day of sale, the purchaser to give notes with approved security, and a mortgage retained on the property sold. Prays for general relief, &c.

MARY S. BLAKE.
BENSON BLAKE.

Filed March 15, 1852.

F. L. GLOVER, *Clerk.*

Supplemental Petition.

To the Honorable the Judge of the Tenth District Court of the State of Louisiana, holding sessions in and for the Parish of Tensas:

The petition of Susan E. Brickell and her husband, D. Warren Brickell, who reside in Adams County, Mississippi, respectfully show that Evelina B. Conner, one of the heirs of Henry L. Conner, dec'd, and lately under the tutelage of Susan E. Conner, and defendant in the suit instituted in this Court, and styled "Susan E. Brickell and Husband *vs.* Susan E. Conner, Tutrix, *et als.*," for partition, has become emancipated by marriage with Charles A. Castillo, a resident of the Parish of Orleans in this State: petitioner therefore files this supplemental petition, and prays that said Castillo and wife be cited to answer plaintiff's petition filed in said cause, and that all proper proceedings be had in the premises. Prays for general relief in the premises, &c.

H. B. SHAW,
Att'y for Pet'r.

Filed April 9, 1852.

F. L. GLOVER,
Clerk.

Supplemental Petition.

To the Honorable the Judge of the Tenth Judicial District of the State of Louisiana, holding sessions in and for the Parish of Tensas:

Susan E. Brickell, wife of D. Warren Brickell, residing in Adams County, State of Mississippi, herein authorized by the said husband, files this supplemental petition in the suit styled on the docket of this Court "Susan E. Brickell and Husband *vs.* No. 462 Susan E. Conner, Tutrix, *et als.*," respectfully shows that since the last term of this Court, Anna Frances Conner, one of the minor children and heirs of Henry L. Conner, deceased, and herein represented by Mrs. Susan E. Conner, Tutrix, has departed this life; that your petitioner, together with the defendants, Mary S. Blake, Evelina B. Castillo, and Louisa R. Conner, are co-heirs to said Anna Frances Conner, and have inherited three-fourths of the property owned at the time of her decease by said Anna Frances Conner, and the other fourth being inherited by the said Susan E. Conner, the mother of said Anna Frances, petitioner prays therefore that the partition prayed for in her original petition be so ordered and decreed as to embrace that portion which belonged to said Anna Frances Conner, and that it be divided between the heirs as above set forth, and in the proportion as mentioned, to wit: the three-fourths to be divided equally between your petitioners and her co-heirs, Mary, Evelina, and Louisa, and the other fourth part to said Susan E. Conner, and that to effect this partition a public sale of said property be ordered. Prays for all proper proceedings and for general relief, &c.

H. B. SHAW,
Att'y for Pet'r.

Filed August 27, 1852.

F. L. GLOVER,
Clerk.

Answer of Mrs. Castillo & Husband.

STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. BRICKELL & HUSBAND
vs.
SUSAN E. CONNER, Tutrix, *& al.*

Evelina B. Conner, wife of Charles A. Castillo, resident in the city of New Orleans, defendant in the suit above stated, herein authorized and assisted by her said husband, who joins herein for that purpose, for answer to plaintiff's petition and supplemental petition, admits that the heirship of plaintiff with this respondent and her co-defendants is justly and properly set forth; this respondent has no objection to the partition asked for, and joins in the prayer that the

same be ordered and decreed, and that for that purpose the property described be offered for sale at public auction to the highest bidder after due legal advertisement, and this respondent prescribes as the terms of sale for her portion of said property one-third cash upon delivery of the property and the balance of the price on a credit of one and two years, in equal instalments, to bear eight per cent. interest from maturity, if not then paid. Respondent prays for all proper proceedings and for general relief, &c.

EVELINA B. CASTILLO.

Authorized by me,

CHS. A. CASTILLO.

Filed October 5th, 1852.

F. L. GLOVER,
Clerk.

Answer of S. E. Conner.

S. E. BRICKELL & HUSBAND
vs.
S. E. CONNER, Tutrix, *et als.* } No. 462.

The defendant, Susan E. Conner, Tutrix, appears in her said capacity and personally denies all the allegations of plaintiff's petition, except her heirship as set forth, wherefore she opposes said partition and prays that plaintiff's demand be rejected with costs, and for general relief.

THOS. P. FARRAR,
Attorney for Def't.

Filed October 9th, 1852.

F. L. GLOVER,
Clerk.

Citation.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. BRICKELL & HUSBAND
vs.
SUSAN E. CONNER, Tutrix, *et al.* } No. 462.

To Charles A. Castillo & wife, residents of the parish of Orleans and State aforesaid.

You are hereby cited to comply with the demand contained in plaintiff's petition and supplemental petition, certified copies of which accompany this citation, or to file your answer in writing to the same in the office of the Clerk of said Court at St. Joseph, within 46 days after service hereof.

Witness the Honorable JOHN PERKINS, Jr., Judge of [L. S.] said Court, and the seal thereof, this 12th day of April, A. D. 1852.

F. L. GLOVER,
Clerk of said Court.

Received, Parish of Orleans, April 22d, 1852, on the 24th of same month served original and supplemental petitions and citation on C. A. Castillo & Wife through C. A. Castillo in person.

Returned April 24th, 1852.

E. SAMPSON,
Dep. Sh'ff Par. of Orleans.

Filed April 30th, 1852.

F. L. GLOVER,
Clerk.

Inventory of Property.

STATE OF LOUISIANA,
Parish of Tensas:

Be it known that on this day, pursuant to an order from the Honorable Tenth District Court in and for said Parish and State, of date the 9th of October, 1849, directed to me, Robert Young Skinner, Recorder and *ex officio* Notary Public in and for said parish, duly commissioned and sworn to take an inventory and cause an appraisement to be made of all the property and effects of the estate of Henry L. Conner, deceased, situated in said parish, I, said Recorder, did proceed to said plantation of said deceased and there caused to come before me George W. Baynard and Reuben M. Gibson, residents of said parish, whom I did appoint appraisers to appraise said property, and I did administer to said appraisers the following oath, viz:

You, G. W. Baynard and Reuben M. Gibson, and each of you, do solemnly swear, that you will faithfully and impartially set a true and correct value and price on the property belonging to said estate, hereafter pointed out and described to you, to the best of your knowledge and understanding. So help you God.

P. W. BAYNARD.
REUBEN M. GIBSON.

Sworn to and subscribed before me,

ROBERT Y. SKINNER,
Recorder.

And after having sworn said appraisers, and caused them to sign the same as above, I, said Recorder, did then point out to them the following described property, which said appraisers did appraise and value in the manner following, viz:—

Seven hundred acres of land, appraised at twenty dollars per acre, making in all the sum of thirty-four thousand dollars. $34,000 00

(*The following Negroes.*)

Jane, a woman,	40	years	old, appr.	$500
Young Billy, man,	16	"	" "	600
Charles,	38	"	" "	300
Mercer,	25	"	" "	700
Ruffian,	23	"	" "	700
Burdine (wife),	38	"	" "	450
Harry, child,	10	"	" "	300
Dandry,	26	"	" "	750
Isabella, wife,	22	"	" "	500
Their infant child,		"	" "	100
Arman,	22	"	" "	600
George,	25	"	" "	650
Eliza,	28	"	" "	750
Lilly (child),	2	"	" "	100
Mary,	20	"	" "	550
James, infant,	6	months,	"	100
Sandy,	34	years,	"	750
Becky,	35	"	" "	400
Rose,	9	"	" "	250
Clara,	7	"	" "	200
Elizabeth,	5	"	" "	150
Rina,	2	"	" "	100
Ben,	25	"	" "	700
Martha, wife,	20	"	" "	600
Scipio,	50	"	" "	400
Lucretia, wife,	19	"	" "	600
Joe,	28	"	" "	700
Louisa,	23	"	" "	500
Infant,		"	" "	100
Wilson,	32	"	" "	500
Bina, wife,	40	"	" "	350
Sally,	2	"	" "	100
Sylvia,	6	months,	"	100
Andrin,	26	years,	"	700
Chloe,	26	"	" "	500
Little Peggy,	4	"	" "	150
Big Peggy,	16	"	" "	550
Fanny and child,	22	"	" "	600
Mina,	55	"	" "	300
Ann,	25	"	" "	500
Jeff,	2	"	" "	100
Robert,	1	"	" "	100
Daniel,	45	"	" "	400
Maria (wife),	20	"	" "	400

Preston,	2	years	old,	appr.	$100
John,	48	"	"	"	500
Matilda,	40	"	"	"	350
Emily,	5	"	"	"	250
Amanda,	4	"	"	"	200
Frederic,	22	"	"	"	700
Jerry,	30	"	"	"	350
Thornton,	50	"	"	"	500
Watty,	20	"	"	"	700
Old Billy,	75	"	"	"	200
21 head of horses and mules, at $50 pr. head,					1050
10 yoke of oxen, at $25 pr. y.					250
40 head of stock cattle, at $5 pr. head,					200
150 head of stock hogs, $1 "					150
1 lot of ploughs, $36. 1 lot of harrow and scrapers, $8,					44
10 bls. coal, 6|; 15 bls. lime, $1 $\frac{75}{100}$ per B.					33 75
1 horse-cart, $10; scrapers and wheelbarrow, $30,					40
1 cable rope, block and tackle,					20
1 cross-cut saw, $30; 1 ox wagon, $20; 1 cart, 75, 1 20					118
4 doz. spades and shovels, $5 pr. doz.; 3 doz. weeding hoes, $3 pr. doz.					40
Traces and harness, $13 $\frac{50}{100}$; 1 pr. timber wheels, $75,					88 50
Blacksmiths' tools, $50; iron, $50; kettle, $7 $\frac{50}{100}$; 1 set carpenters' tools, $15,					122 50
					$58,456 75

And after having made said inventory and appraisement, and finding the whole amount in value to the sum of fifty-eight thousand four hundred and fifty-six $\frac{75}{100}$ dollars, being the total valuation of all the above-described property, I, said Recorder, have closed said inventory, and make this my *proces verbal* or formal act of the same, and have caused said appraisers to sign the same in presence of T. B. Vanmeter and F. D. Vickens, competent witnesses, who have also hereunto subscribed their names, together with said appraisers and me, said Recorder, this 10th day of October, 1849.

(Original signed) G. W. BAYNARD,
REUBEN M. GIBSON,
J. B. VANMETER,
F. D. VICKENS.
ROBERT Y. SKINNER,
Recorder.

A true copy of the original on file in my office.

Attest: ROBERT Y. SKINNER,
Recorder.

Filed in evidence October 9th, 1852.

F. L. GLOVER,
Clerk.

SUSAN E. BRICKELL & HUSBAND
vs.
SUSAN E. CONNER *et al.*
No. 462.

Tensas District. October Term, 1852.

H. McCullough being sworn in this case, states, that he is acquainted with the Arcola Plantation, being a plantation in this Parish, belonging to the heirs of Henry L. Conner, dec'd; that he believes, that to divide that property in kind between the heirs, or into five part or portions, would be to seriously injure the value of such portions, from what they would bear undivided; that so to divide the property would produce great inconvenience to the owners, the separate portions being respectively too small to be advantageously cultivated as separate plantations; thinks that the property would bring a higher price if sold in block, that it would be worth if divided into separate portions, say five in number.

Zenas Preston being sworn, concurs in the foregoing testimony, as given by Mr. McCullogh.

H. McCULLOUGH,
ZENAS PRESTON.

Sworn to this Oct. 9, 1852, in open Court.

F. L. GLOVER,
Clerk.

I agree that the foregoing be received in evidence on the trial of the suit above stated.

THOS. P. FARRAR,
Att'y for Mrs. S. E. Conner.

Filed in evidence October 9, 1852.

F. L. GLOVER,
Clerk.

Judgment.

TENTH DISTRICT COURT,
Parish of Tensas, La., October Term, 1852.

SUSAN E. BRICKELL & HUSBAND
vs.
SUSAN E. CONNER, Tutrix, *et als.*
No. 462.

Upon the trial of this cause, by reason of the law and the evidence thereon being in favor of the plaintiffs, it is therefore ordered, adjudged, and decreed, that partition be made of the property described in the inventory of the succession of Henry L. Conner, dec'd, on file, with the increase thereof, and additions since then made to said property in this Parish; said property to be divided between the plaintiff, Susan E. Brickell, and the defendants, Mary S. Blake,

Evelina B. Castillo, and Louisa R. Conner, a minor represented by Susan E. Conner, tutrix, and Mrs. Susan E. Conner, in the shares and proportions as follows, to wit: to said Susan E. Brickell one-fifth part of the whole property; a like portion to Mary S. Blake; a like portion to Evelina B. Castillo; and a like portion to Louisa R. Conner. The other fifth part of said property to be divided as follows, to wit: one-fourth part thereof to Mrs. Susan E. Conner, and the remaining three-fourths thereof to be divided equally between Susan E. Brickell, Mary S. Blake, Evelina B. Castillo, and Louisa R. Conner; and further, it appearing to the Court, from the proof adduced herein, that said property cannot be divided in kind and distinct portions thereof set apart and allotted to the separate proprietors, without a diminution of its value and loss, and inconvenience to the respective owners resulting therefrom; it is by reason thereof ordered, adjudged, and decreed, that said property be sold, to effect the partition herein ordered; said property to be sold in block, at public auction, to the highest bidder, after due public advertisement, on the terms and conditions to wit: for the four-fifths of the price thereof, and for three-fourths of the other fifth part thereof, being the portions coming to said Susan L. Brickell, Mary S. Blake, Evelina B. Castillo, and Louisa R. Conner, one-third cash on the day of sale, the other two-thirds payable in two equal annual instalments, due respectively in one and two years from the day of sale, the purchaser to execute his notes therefor, with approved personal security to each of said co-proprietors for the portions due to each of them respectively, bearing eight per cent. interest from maturity, and a mortgage retained of the property sold to secure the payment, being the terms of sale fixed by the major heirs, and prescribed on behalf of the minor, Louisa R. Conner, on the advice and recommendation of a family meeting, duly convoked and held for that purpose: and that for the other fourth part of the one-fifth part, being the share of Mrs. Susan E. Conner, she be required to file in the office of the Clerk of this Court, on or before the first day of November next, the terms of sale she may desire to fix therefor, and that in default of her filing the terms of sale as directed, then they be fixed as of the balance of said property, to wit: for one-third thereof, cash, and for the other two-thirds, a credit of one and two years, secured as above.

It is further ordered, that an inventory of the property to be partitioned, as above ordered, be made by Robert Y. Skinner, Recorder, or some other Notary Public of this Parish, and two experts to be appointed by him for that purpose, such inventory to be made and filed in the Clerk's office of this Parish on or before the first day of November next.

It is further ordered, that the costs of this proceeding be borne by the several coproprietors of said property, in proportion to their respective shares, as herein set forth.

Read and signed in open Court, this 11th day of October, 1852.

JOHN PERKINS, Jr.,
Judge 10th Dist. C.

Filed October 11, 1852.

F. L. GLOVER,
Clerk.

Succession of H. L. Conner, deceased.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

To ROBERT Y. SKINNER, Recorder in and for said Parish of Tensas, and *ex officio* Notary Public, Greeting:—

We command you, that you take an inventory and cause an appraisement to be made, of all and singular the property and effects, rights and credits, belonging to said succession of Henry L. Conner, dec'd, situate in said Parish, and have the same filed in the Clerk's office of said Court on or before the first day of November, 1852.

Witness the Hon. John Perkins, Jr., Judge of said Court, [L. S.] and the seal thereof, at St. Joseph, this 16th day of October, A. D. 1852.

F. L. GLOVER,
Clerk.

STATE OF LOUISIANA,
Parish of Tensas:

Be it remembered, that on this, the 22d day of October, in the year of our Lord eighteen hundred and fifty-two, in pursuance of an order from the Honorable the Tenth District Court of Tensas Parish, to me directed, bearing date the 16th day of October, 1852, requiring an inventory and appraisement to be made of all and singular the property, rights and credits belonging to the succession of Henry L. Conner, deceased, situate in the Parish of Tensas, composed of a plantation and negroes, called the "Arcola Plantation," and as a preliminary step, I, the undersigned Recorder, have nominated and appointed as appraisers of said property, Hamilton McCullough and Thomas S. Buck, resident freeholders of this Parish, who took and subscribed the following oath, viz:—

We, Hamilton McCullough and Thomas S. Buck, and each of us, do solemnly swear, that we will faithfully and impartially appraise and set a true and correct value upon all the property pointed out to us as belonging to the succession of Henry L. Conner, dec'd, to the best of our ability and understanding.

H. McCULLOUGH,
THOS. J. BUCK.

Sworn to and subscribed before me,

ROBERT Y. SKINNER,
Recorder.

And said appraisers being now duly sworn, proceeded to value said property in the following manner, to wit:—

Seventeen hundred acres of land, valued at thirty dollars ($30) per acre, making in all the sum of fifty-one thousand dollars, ($51,000 00.)

And the following named negroes worked and employed on said plantation, to wit:—

Dandrige, man, appraised at	$1050
Isabella, his wife,	850
Phillis, their child,	100
John, man,	800
Matilda, his wife,	700
Emily, their child,	700
Amanda, "	680
Jerome, man,	1200
Louise, his wife,	1000
Rose, their child,	200
Juda, " "	100
Elija B.,	1200
Letty, his wife,	1000
Mary, their child,	250
Jun, " "	200
Billy, man,	1200
Penny, his wife,	900
Daniel, man,	550
Maria, his wife,	600
Press, child,	250
Ann, woman,	1000
Jeff, her child,	300
Robert, "	250
Haley, child,	100
Sandy, carpenter,	1000
Becky, his wife,	700
Rose, her child,	700
Bina, "	680
Elizabeth, her child,	450
Dealia, "	350
Henry, "	100
Frederic, man,	1250
Fanny, his wife,	1000
Lucinda, their child,	300
Malinda, "	150
Davy, man,	1150
Ellen, his wife,	950
Eliza, woman,	1100
Scipio, man,	750
Cretia, his wife,	950
Patsey, their child,	150

Hester, their child,	$100
Wilson, man,	800
Vina, his wife,	700
Sally, their child,	350
Sylvia, "	200
Joe R., man,	550
Berdin, wife,	900
Ben, man,	1100
Martha W., wife,	1050
Andrew, man,	1150
Chloe, wife,	1050
Peggy Tensas,	500
Watt, man,	1150
Jane B., wife,	900
Jim H., man,	1100
Martha H., wife,	900
Carolina, child,	100
Quieness, man,	1080
Anny, wife,	1100
Jim R., man,	1000
Maria, wife,	1050
Mary,	100
Mercer, man,	1200
Sydney, wife,	1100
Jerry, man,	900
Harriet, wife,	1100
Suckey, child,	100
George W., man,	1100
Martha T., wife,	900
Boler R., child,	100
Misa, man,	550
Peggy E., wife,	1100
Nancy, child,	100
George M., man,	1000
Lucy A., wife,	1000
Alex, man,	1200
Elijah L., man,	1200
Jane, woman,	1100

Also the following stock, &c. :—

23 mules, at $23 each,	2760
4 horses, valued at $40,	160
7 yoke of oxen, $30 p. yoke,	210
50 head of stock cattle, $12 50 p. h.,	625
80 hogs, 3 50 p. h.,	280
2 wagons, $50 each,	100
1 ox-wagon, at	30
1 horse cart,	25

1 water cart,	$15
Timber wheels,	75
1 cross-cut saw,	8
16 spades and shovels, @ 4| each,	8
30 M brick, at $6 p. M,	180
3 whipsaws, @ $7 each,	21
1 turning lathe,	50
6 scrapers, @ $3 each,	18
6 harrows, @ $4 each,	24
Blacksmith's tools, @	250
Wrought iron, @	150
22 tons fodder, @ $20 p. ton,	440
4000 bushels corn, @ 45 c. p. B.,	1800
1 large kettle $7, 2 scythes $2 50 each,	12
8 wheelbarrows, @ $2 50 each,	20
12 iron wedges $9, 20 axes for $15,	24
1 broadaxe $3, 24 hammers $12,	15
12 double trees and 24 single trees,	36
24 traces for $12, 36 weeding hoes $9,	21
43 ploughs, @ $2 50 each, 8 sweepers @ $2 50,	127 50
5 Tamper ploughs, @ $2 50 each,	12 50
Household and kitchen furniture,	100
5 kegs of nails @ $4,	20
270 bales cotton picked, @ $35 p. bale,	9450
250 " " in the field unpicked, $20 p. b.,	5000
	$130,567

And after having finished said inventory, and finding the whole amount of property to be worth in value the sum of one hundred and thirty thousand five hundred and sixty-seven dollars, I, said Recorder, have closed this inventory and caused said appraisers to sign this my *proces verbal* or formal act of the same, in the presence of Christopher H. Belsinger and Ferdinand D. Pickens, competent witnesses, residing in this parish, who have hereunto signed their names, together with said appraisers, and me the said Recorder.

C. H. BELSINGER. H. MCCULLOUGH.
F. D. PICKENS. THOS. J. BUCK.

ROBERT Y. SKINNER,
Recorder.

October 22d, 1852.

Sheriff's Deed of the Sale of Property.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth Dist. Court.

SUSAN L. BRICKELL AND HUSBAND
vs.
SUSAN E. CONNER, Tutrix, *et al.* } No. 462.

Be it known hereby, that in pursuance of, under the authority, and by virtue of an order of sale, issued from said Tenth District Court of the State of Louisiana, for the Parish of Tensas aforesaid, on a judgment rendered by said Court at the October term thereof, A. D. 1852, in a certain suit styled on the docket of said Court Susan L. Brickell and Husband *vs.* Susan E. Conner, Tutrix, *et als.*, No. 462, decreeing a partition by licitation to be made of the property belonging to the succession of Henry L. Conner, deceased, among the heirs thereof, which order was dated the 5th day of November, A. D. eighteen hundred and fifty-two, and to me directed and received on the same day in my office, I, George W. Williams, Sheriff of said Parish of Tensas, did, on the 5th day of November, A. D. 1852, make public advertisement that said property, consisting of a certain tract of land established and cultivated as a cotton plantation, situated in said Parish of Tensas, about two and a half miles from the town of Waterproof, known and designated by the name of "Arcola Plantation," consisting of about seventeen hundred acres more or less, bounded on the south by Lake St. John and Bayou l'Argent, southeast and east by lands belonging to estate of L. Covington and lands belonging to S. Duncan, north by lands belonging to William E. Hall, and west by lands belonging to estate of Clements, with all the buildings and improvements thereon; also of the following named negroes, slaves for life, employed upon and belonging to said plantation, to wit: Dandrige, a man, Isabella his wife, Phillis their child; John, a man, Matilda his wife, Emily their child, Amanda their child; Jorom, a man, Louisa his wife, Rose their child, Judy their child; Elijah B., a man, Letty his wife, Mary their child, Jim their child; Ben, a man, Martha his wife; Andrew, a man, Chloe his wife; Peggy Tensas; Watt, a man, Jane B. his wife; Jim H., a man, Martha H. his wife, Caroline their child; Quiness, man, Amy his wife; Jim R., a man, Martha his wife, Mary their child; Billy, a man, Penny his wife; Daniel, a man, Maria his wife, Puss, child; Ann, woman, Jeff her child, Robert her child, Haly her child; Sandy Carpenter, Becky his wife, Rose her child, Bina her child, Elizabeth her child, Dealie her child; Henry Mercer, a man, Sydney his wife; Jerry, a man; Suckey, child; George W., man, Martha T. his wife, Boler R. their child; Mesa, a man, Peggy E. his wife; Nancy, child; George M., a man, Lucy A. his wife; Alex, a man; Elijah L., a man; Jane, a woman; Frederic, a man, Fanny his wife, Lucinda their child, Malinda their child; Davy, man, Ellen

his wife, Palsey their child, Hester their child; Wilson, man, Vina his wife, Sally their child, Sylvia their child; Joe R., a man, Bodine his wife.

With all the horses, mules, work oxen, stock of cattle and hogs, the wagons, carts, and all agricultural and other implements, belonging to said plantation, would be sold in block, at public auction, on the fifteenth day of December, A. D. 1852, to the highest bidder, on the terms prescribed in and by said order, to wit: For the four-fifths of the price thereof, and for three-fourths of the other fifth part thereof, being the proportions coming to Susan L. Brickell, Mary S. Blake, Evelina B. Castillo, and Louisa R. Conner, one-third cash on the day of sale, the other two-thirds payable in two equal annual instalments, due respectively on one and two years from the day of sale, the purchaser to execute his notes therefor, with approved personal security, to each of said co-proprietors, for the portions due to each of them respectively, bearing eight per cent. interest from maturity, and a mortgage retained on the property sold, to secure the payment. And for the other fourth part of the one-fifth part, being the share of Mrs. Susan E. Conner, one-third cash on the day of sale, and for the other two-thirds, a credit of one and two years, secured as above. Sale to take place on the plantation.

Which advertisement was made by posting written notices thereof, in English, at the door of the Court-house in St. Joseph, at the town of Waterproof, and at Kirk's Ferry, in said Parish, being the three most public places therein, thirty clear days before said 15th December, 1852. And on said 15th December, 1852, I repaired to the Court-house door in St. Joseph, and, between the hours of 11 A. M. and 4 P. M., read the order of sale, advertisement, appraisement, and the certificate of mortgages, which is in words and figures following:—

STATE OF LOUISIANA,
Parish of Tensas:

I, Robert Y. Skinner, Recorder in and for Tensas Parish, duly commissioned and sworn, hereby certify, that there does not exist of record in my office any mortgage, lien, or encumbrance on the plantation and negroes belonging to the succession of Henry L. Conner, deceased, situate in this Parish, save and except a special mortgage on Section No. 49 and Fractional Section 50, in Township 9, Range 10 E., containing $1113\frac{96}{100}$ acres, to secure the payment of seven thousand four hundred eighteen $\frac{06}{100}$ dollars, purchase money at Sheriff's sale, upon a final judgment in favor of the plaintiff in the suit rendered in the 9th District Court of Concordia Parish, and styled Alfred R. Wynne *vs.* 555 F. & J. Beaumont, Recorded 26 December, 1843.

Witness my hand and seal of office, at St. Joseph, this 15th day of December, A. D. 1852. ROBERT Y. SKINNER,
Recorder.

And after reading said order, advertisement, and appraisement, and certificate, I offered said property for sale, when George M. Marshall bid the sum of one hundred and thirty-five thousand and fifty dollars ($130,050), and that being the last and highest bid, and more than the appraised value thereof, I struck off and publicly adjudicated said plantation, negroes, stock, &c. &c., to him for said price and sum.

And the said George M. Marshall has paid the one-third of the purchase money cash, as required by the terms of sale, and has executed his eight promissory notes, with L. R. Marshall as security, each for the sum of ten thousand six hundred and ninety-one $\frac{46}{100}$ dollars, dated 5 February, 1853, and payable as follows, viz: two of said notes payable to the order of Mary S. Blake, in one and two years repectively, with eight per cent. interest after maturity; two of said notes payable to the order of Susan E. Brickell, in one and two years respectively, with interest as aforesaid; two of said notes payable to the order of Evelina B. Castillo, in one and two years respectively, with interest as aforesaid; and two of said notes payable to the order of Susan E. Conner, tutrix of the minor Louisa R. Conner, payable in one and two years respectively, with interest as aforesaid.

And said George M. Marshall has also executed his two promissory notes with L. R. Marshall as security, each for the sum of two thousand two hundred and fifty $\frac{83}{100}$ dollars, payable to the order of Mrs. Susan E. Conner in one and two years respectively, with interest as aforesaid, and dated 5th February, 1853.

And the said George M. Marshall, being here present, accepting this act with all its clauses, consents that there be a special mortgage retained on the property herein mentioned and conveyed, to secure the full and punctual payment of said notes, and hereby binds himself, his heirs and assigns, not to alienate, deteriorate, or encumber said property, to the prejudice of this mortgage.

Wherefore, by virtue of the premises, I have bargained, sold and conveyed, and by these presents do bargain, sell, convey and deliver unto the said George M. Marshall the said property, as fully and completely as I, said Sheriff, could or ought to do.

Thus done and signed in presence of John B. Murdock and Reeve Lewis, competent witnesses, this 14th February, A. D. 1853.

Interlined on 10th line from top of this page: approved before signing.

GEORGE W. WILLIAMS,
Sh'ff.

GEORGE M. MARSHALL.

Attest: JOHN B. MURDOCK,
REEVE LEWIS.

Duly recorded in Notarial Record Book *C*, pages 468 to 471.

3817

[L. S.] Witness my hand and seal of office, 15 February, A. D. 1853.

ROBERT Y. SKINNER,
Recorder.

Filed 15th February, 1853.

R. Y. SKINNER,
Recorder.

Minutes of the suit No. 462, *at page* 286 *of the Minute Record.*

S. E. BRICKELL & HUSBAND
vs.
S. E. CONNER, Tutrix, *et als.* } 462.

On motion of defendants' counsel in open Court, in presence of plaintiff's counsel, it is ordered, that defendant, Mrs. S. E. Conner, be granted a Devolutive Appeal from above Judgment rendered in this case, returnable unto the Supreme Court of the State of Louisiana, sitting in the city of New Orleans, for the Eastern District of said State, on or before the second Monday of February, 1853, upon the executing bond, with security, in the sum of one hundred dollars, according to law, and than plaintiffs appear then and there to defend said appeal.

Deed of W. G. Conner to Susan E. Conner.

Know all men by these presents, that in pursuance of a provision contained in the marriage contract between my husband, Dr. Daniel W. Brickell, myself, and William G. Conner, Trustee therein, dated the second day of March, 1850, and recorded in Book *H H*, page 164, 165, 166, 167, 168 & 169 of the records of deeds in the Clerk's Office of the Probate Court of Adams County and State of Mississippi, I, Susan L. C. Brickell, do request and direct said Trustee, William G. Conner, to sell and convey by deed in due form to my mother, Susan E. Conner and her heirs, in fee simple, the following real and personal estate now held by said trustee, as separate under said marriage contract, and on the following terms, as cash, extending such credits to her for payment of any portion of the purchase money as she and said Trustee may agree upon, to wit: All the one undivided fifth part, including my reversionary interest in the dower portion allowed to my said mother of that plantation of land situate in the County of Adams and State aforesaid, lying on Second Creek, about sixteen miles from Natchez, being the residence of my father, the late Henry L. Conner, and now the residence of my mother, and known by the name of "Berkley," containing in all about twelve hundred, for the sum of three thousand dollars; also my share of the negro slaves on said plantation, except one negro woman, named "Big Betsey," not embraced in this sale, for ten thousand six hundred and fifty dollars, as

allotted to me by the Commissioners who made the division of the personal estate of my deceased father in said county, the report of which said Commissioners have date the 23d of December, 1850, on file in the Probate Court of Adams county aforesaid, and confirmed by the decree of said Court, at the December term thereof, 1850, to which report and the schedule thereto annexed, reference is thereunto had for a detailed description of said slaves. Also, the sum of nine thousand and fourteen $\frac{50}{100}$ dollars, for the following described personal effects, being part of the personal effects of said deceased father allotted to me as aforesaid, to wit: The horses, mules, sheep, hogs, oxen, cows, and calves, valued in said schedule at \$559 $\frac{50}{100}$; the plantation implements at \$48 $\frac{50}{100}$; one mahogany dining-table, \$4; one set of japan waiters, \$4; one small solar lamp, \$2; one washstand, basin, pitcher, a S. tub, at \$10; one plain dress bureau, \$8; one set tongs and irons, shovel and fender, \$2; one washstand and five dogs, \$1 each; twenty-eight wine-glasses, \$6; one volume of "North on Probate Law," \$5; three hundred and thirty-three $\frac{1}{3}$ bushels of corn, at \$200; ten thousand pounds of pea hay, \$62 $\frac{50}{100}$; four glass salt-stands, \$1. Hereby testifying my approbation of said sale, as witness my hand and seal this twentieth day of January, A. D. 1851.

SUSAN L. C. BRICKELL. [SEAL.]

And the said Daniel W. Brickell, husband of the said Susan L. C. Brickell, being entitled to the income or the profits of the said estate, held in pursuance of the marriage settlement above named, under the decree of the Southern District Chancery Court, at the December term thereof, 1850, rectifying and reforming said marriage settlement in respect to said income and profits, hereby acknowledges his concurrence in the sale of said property as above described. Witness his hand and seal this twentieth day of January, A. D. 1851.

D. WARREN BRICKELL. [SEAL.]

This conveyance, made between William P. Conner, trustee in the marriage contract executed by and between Dr. Daniel W. Brickle, Susan L. C. Brickell, his wife (at the time of executing same, Susan L. C. Conner), and said trustee, dated the second day of March, 1850, and recorded in Book H H, pages 164, 165, 166, 167, 168, 169, of the records of deeds in the Probate Court, Clerk's office, for the county of Adams, State of Mississippi, party of the first part, and Susan E. Conner, of the county aforesaid, of the second part, witnesseth, that said party of the first part, as trustee aforesaid, in conformity with the direction contained in the foregoing instrument of writing, under the hand and seal of Susan L. C. Brickell, hereto attached as a part of this instrument, by virtue of the powers vested in the party of the first part, as trustee aforesaid, and for the considerations hereafter specified, has granted, bargained, and sold, conveyed, transferred, assigned and delivered, and doth hereby grant, bargain,

sell, convey, transfer, assign and deliver unto the said party of the second part, her heirs and assigns, the following real and personal property, being of the separate estate of the said Susan L. C. Brickell, under said marriage contract, and for the consideration mentioned, to wit: For the consideration of three thousand dollars to the said party of the first part, as trustee aforesaid, in hand paid by said party of the second part, the receipt of which is hereby acknowledged, all the one undivided fifth part of that plantation of land, lying in the county of Adams, State of Mississippi aforesaid, situate on Second Creek, about sixteen miles from Natchez, being the late residence of Henry L. Conner, deceased, and now the residence of the said party of the second part, and known by the name of "Berkley," subject to the widow's dower, but including in this conveyance the reversionary interest of the said Susan L. C. Brickell in said dower portion, which said plantation of land is bounded by the lands of John L. Helm and John A. Anderson, James Metcalfe, of Mrs. Baker or A. Kinsey's heirs, and Stephen Duncan, and contains twelve hundred acres, more or less, together with the appurtenances thereto pertaining. Also for ten thousand six hundred and fifty dollars, to him in hand paid by the said party of the second part, and secured to be paid, the receipt of which is hereby acknowledged by him, the said party of the first part, trustee aforesaid, all the following negro slaves, to wit: Willis, Louisa, his wife, and their five children, Kitty, Suckey, Frank, Lewis, and Lucy; Joshua, Aulka, his wife, and Marinda, their child; Washington, George Ross, Lilly, his wife, and her children, Landes and Caroline, Margaret, Emeline, Ishmael and Clara; being the negro slaves allotted to the said Susan L. C. Brickell in the division of the personal estate of the said Henry L. Conner, deceased, in said County of Adams, excepting a negro woman named "Big Betsey," not sold or conveyed in this instrument. Also, for the sum of nine hundred and fourteen $\frac{50}{100}$ dollars for the other personal property, particularly described at the request of the said Susan L. C. Brickell, hereto attached and before referred to, as executed under hand and seal, and bearing even date herewith, and being a part of the personal effects contained and described in Schedule No. 3 to the report of the Commissioners making said division, bearing date the twenty-third of December, 1850, and on file in the Probate Court of Adams County aforesaid, and confirmed by the decree of said Court at the December term, 1850: To have and to hold said one undivided fifth part of said plantation of land as aforesaid, the reversionary interest of the said Susan L. C. Brickell in the dower portion of the widow of the late Henry L. Conner, dec'd, the said negro slaves and other personal effects as afore described and herein conveyed, unto the said party of the second part, her heirs and assigns forever. And the said William G. Conner, trustee as aforesaid, doth covenant with the said party of the second part, that he has power to convey as aforesaid, the property, real and personal, herein and hereby con-

veyed, and that he will warrant and defend the title thereto unto the said party of second part, against him the said party of the first part, and all persons lawfully claiming by or under him, his heirs, executors, or administrators, but not otherwise, not to any greater extent.

In witness whereof, the said party of the first part, as such trustee as aforesaid, has hereto set his hand and seal, this twentieth day of January, Anno Domini eighteen hundred and fifty-one.

[SEAL.] WM. G. CONNER,
Trustee.

THE STATE OF MISSISSIPPI,
Adams County:

Personally appeared before me, Richard A. Inge, Clerk of the Probate Court of said County, the above named William G. Conner, trustee, who acknowledged that as said trustee he signed, sealed and delivered the foregoing deed on the day and year therein mentioned, as his act and deed.

Given under my hand and the seal of said Court, at the
[L. S.] city of Natchez, the 20th day of January, A. D. eighteen hundred and fifty-one.

RICHARD A. INGE,
Clerk.

Received the within deed into my office to be recorded, Jan'y 29th, 1851.

RICH'D A. INGE,
Clerk.

By WM. C. COFFIN,
D'y Clerk.

THE STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of said County, do hereby certify that the above and foregoing five pages contain a true and perfect transcript from the record of the original deed, as the same remains of record in my office, in Book H H, pages 424, 425, and 426 of the records of deeds of said County.

In testimony whereof, I have hereunto set my hand and the seal of said Court at the city of Natchez, the 20th day of March, A. D. eighteen hundred and fifty-four.

[L. S.] RICH'D A. INGE,
Clerk.

THE STATE OF MISSISSIPPI,
Adams County:

I, Reuben Bullock, Judge of the Probate Court (sole and presiding) of said County, do herby certify that Richard A. Inge, whose genuine signature appears to the foregoing certificate and attesta-

tion, is and was at date thereof Clerk of said Court, duly elected, qualified, and commissioned: that his said certificate and attestation are in due form of law, and that all his acts in the premises are and ought to be entitled to full faith and credit, in judicature and thereout.

Given under my hand and seal this 20th day of March, A. D. 1854.

R. BULLOCK. [L. S.]

THE STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of said County, do hereby certify that Reuben Bullock, whose genuine signature appears to the foregoing certificate, is and was at the date thereof Judge (sole and presiding) of said Court, duly elected, qualified, and commissioned; that his said certificate is in due form of law, and that all his acts in the premises are and ought to be entitled to full faith and credit in judicature and thereout.

In testimony whereof, I have hereunto set my hand and the seal of said Court, at the city of Natchez, this 20th day of March, eighteen hundred and fifty-four.

[L. S.] RICH'D A. INGE,
Clerk.

Deed of Mary S. Conner to Susan E. Conner.

This indenture, made the sixth day of January, A. D. eighteen hundred and fifty-one, by Mary S. Conner, of the County of Adams and State of Mississippi, of the first part, to Susan E. Conner, of the same County and State, of the second part, witnesseth, that the said party of the first part, for and in consideration of the sum of fifteen thousand dollars to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, aliened, transferred, assigned and delivered, conveyed and confirmed, and by these presents doth grant, bargain, and sell, alien, transfer, assign, deliver, convey and confirm unto the said Susan E. Conner and her heirs and assigns, one undivided fifth part of all that certain tract of land and plantation of land, situate, lying, and being in said County, about sixteen miles from the City of Natchez, near the Woodville Road, estimated to contain twelve hundred acres, more or less, known and described as the "Berkley Plantation," bounded by lands of John N. Helm, Dr. John A. Sanderson, John Thorn, and James Metcalfe, and being the same plantation of land upon which Henry L. Conner resided at the time of his death, and also all the following described negro slaves, namely: Alfred, the engineer, Frances wife of Alfred, and Celia and Alfred, children of Frances; Old Bella; Kyke, and Peggy his wife; Harry, and Betty his wife, and William a child of Betty; Martha; Mary, and Eliza her child; William; Harriet; Judy Watkins, and John Bisland her child; the same being seventeen in number, and slaves for

life, and being the same slaves lately set off and allotted to said party of the first part by the commissioners appointed to divide and allot to and among his distributees the personal estate of Henry L. Conner, deceased, as it will appear from the report of said commissioners of record and upon the files of the Probate Court of said County, reference being thereunto had; and also all the horses, mules, oxen, cows, sheep, hogs, plantation implements, corn, and fodder, set off and allotted to said party of the first part by said commissioners, and fully described in said report, reference being thereto had for a more particular description: Together with all appurtenances, hereditaments, privileges, and advantages whatsoever unto the above described premises belonging or in anywise appertaining, and also all the estate, right, title, interest, property, claim, and demand whatsoever of her, said party of the first part, of, in, and to the same.

Excepting, however, from the above described premises, so much and such parts of said plantation of land as shall be claimed, set off, and allotted to the said Susan E. Conner for dower, by virtue of her rights as the widow of the said Henry L. Conner, deceased, and all the right, title, estate, and interest of the said Susan E. Conner, party of the second part of, in, and to the same, and excepting, also, all the estate, right, title, and interest of her, said party of the first part, in reversion or remainder of, in and to so much and such parts of said plantation of land as shall be claimed and set off as dower as aforesaid. But provided, nevertheless, that in case the said party of the first part shall die without issue, then from and immediately after her death, the said last mentioned exception shall be void and of no effect, and the said interest and estate in reversion aforesaid shall by these presents be transferred and pass to her, said party of the second part, and her heirs and assigns, and the said party of the first part for her heirs, executors, and administrators, doth hereby covenant, grant, promise, and agree to well assure and convey the said reversion to her said party of the second part, her heirs and assigns, in the event aforesaid: To have and to hold the above described premises, with the appurtenances, unto her said party of the second part, and her heirs and assigns, to her and their use, benefit, and behoof forever. And the said party of the first part, for herself, her heirs, executors, and administrators, doth hereby covenant, grant, promise, and agree to and with said party of the second part, and her heirs and assigns, that the said party of the first part, and her executors and administrators, the above described premises unto her, the said party of the second part, and her heirs and assigns, against her, said party of the first part, and her heirs, executors, and administrators and assigns, and against all persons whatsoever lawfully and equitably claiming or to claim said premises or any part thereof, shall and will warrant and by these presents forever defend.

In witness whereof, the said party of the first part hath hereunto set her hand and seal the day and year first above written.

MARY S. CONNER. [SEAL.]

Signed, sealed, and delivered in presence of the words "said party of the first part" interlined before signing.

WM. C. COFFIN.

STATE OF MISSISSIPPI,
Adams County:

Personally appeared before me, Wm. C. Coffin, a Justice of the Peace of said County, the above named Mary S. Conner, who acknowledged that she signed, sealed, and delivered the foregoing deed on the day and year therein named, as her own act and deed.

Given under my hand and seal, this 10th day of January, A. D. 1851.

WM. C. COFFIN, [SEAL.]
Justice Peace.

Received the within deed into my office to be recorded December 10, 1851.

R. A. INGE,
Clerk.

By WM. C. COFFIN,
D. C.

THE STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of said County, do hereby certify that the above and two preceding pages contain a true and perfect transcript of the record of the original deed, as the same remains of record in my office in Book H H, pages 652 and 3, of the records of deeds of said Adams County.

In testimony whereof I have hereunto set my hand and the seal of said Court at the City of Natchez, this 9th day of March, A. D. eighteen hundred and fifty-four.

[L. S.] RICH'D A. INGE,
Clerk.

THE STATE OF MISSISSIPPI,
Adams County:

I, Reuben Bullock, Judge of the Probate Court (sole and presiding) of the County and State aforesaid, do hereby certify, that Richard A. Inge, whose genuine signature appears to the foregoing certificate and attestation, is, and was at the date thereof, Clerk of said Court, duly elected, qualified, and commissioned, and that his said certificate and attestation are in due form of law, and that all his acts in the premises are and ought to be entitled to full faith and credit, in judicature and thereout.

Given under my hand and seal the 9th day of March, A. D. 1854.

R. BULLOCK. [SEAL.]

THE STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of said County, certify, that Reuben Bullock, whose genuine signature appears to the foregoing certificate, is, and was at the date thereof, Judge of said Court (sole and presiding), duly qualified and commissioned, and that all of his acts in the premises are and ought to be entitled to full faith and credit, in judicature and thereout.

Given under my hand and the seal of said Court, at the [L. S.] City of Natchez, this 9th day of March, A. D. eighteen hundred and fifty-four.

RICH'D A. INGE,
Clerk.

Deed of Blake and Wife and S. E. Conner.

This Indenture, made this twenty-sixth day of May, in the year of our Lord one thousand eight hundred and fifty-three, between Benson Blake and Mary S., his wife, of the County of Warren and State of Mississippi, of the first part, and Susan E. Conner, of the County of Adams and State aforesaid, of the second part, witnesseth, that said parties of the first part, for and in consideration of the promissory note of said party of the second part, of the giving and of the payment of said note at its maturity, said note being of even date herewith, for the sum of thirty-two hundred and forty dollars, payable to said Benson Blake on the fifteenth day of April, A. D. 1854, and for the further consideration of two dollars, to them in hand paid by said party of the second part, have given, granted, bargained, sold, and conveyed, and, by these presents, do give, grant, bargain, sell, and convey unto the said Susan E. Conner, and her heirs forever, all of the following described lands, lying and being in the said County of Adams and State aforesaid, described as follows, to wit: the undivided fifth part of the plantation in the County and State last aforesaid, known as "Berkley," whereon the late Henry L. Conner resided at the time of his death; the whole tract containing twelve hundred acres, more or less, and being bounded by lands of John A. Sanderson, John N. Helm, Stephen Duncan, and John H. Thorn, and by Second Creek. The interest hereby conveyed being the whole interest of which the late Anna F. Conner, deceased, was possessed in said tract of land, excepting her reversionary interest in and to the dower land set apart from said tract by the Probate Court of Adams County to the said party of the second part: Together with all and singular the privileges and appurtenances unto the said undivided fifth part of said tract of land

in anywise appertaining: To have and to hold the above described premises, with the appurtenances, unto the said Susan E. Conner, her heirs and assigns forever.

And the said Benson Blake, for himself, his heirs, executors, and administrators, doth covenant, promise, and agree to and with the said Susan E. Conner, her heirs, executors, administrators, and assigns, that he, the said Benson Blake, his heirs, executors, and administrators, shall and forever will warrant and defend the aforesaid premises, with the appurtenances, unto the said Susan E. Conner, her heirs and assigns, against the claim or claims of any and all persons claiming or to claim by, through, or under them.

In testimony whereof the said parties of the first part have hereunto set their hands and affixed their seals the day and year first above written.

B. BLAKE. [SEAL.]
MARY S. BLAKE. [SEAL.]

The words "part" and "late" interlined before signature.

Attest: WM. T. MARTIN.

THE STATE OF MISSISSIPPI,
Adams County:

Personally appeared before me, Wm. C. Coffin, a Justice of the Peace of said County, the within named Benson Blake and Mary S. Blake, his wife, who severally acknowledged that they signed, sealed and delivered the foregoing deed, on the day and year therein named, as their own act and deed.

And the said Mary S. Blake, upon a private examination, separate and apart from her said husband, acknowledged that she signed, sealed and delivered the foregoing deed on the day and year therein written, as her own act and deed, freely, without any fear, threats, or compulsion of her said husband.

Given under my hand and seal this 22d June, A. D. 1853.

W. C. COFFIN,
J. P. [SEAL.]

Received the within deed unto my office to be recorded, July 2d, 1853.

R. A. INGE,
Clerk.
By WM. C. COFFIN,
D. C.

THE STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of said County, do hereby certify that the above and foregoing two pages contain a true and perfect transcript of the record of the original deed, as the

same remains of record in my Office, in Book *I I*, pages 558 and 559 of the records of deeds of said County.

In testimony whereof I have hereunto set my hand and [L. S.] the seal of said Court at the city of Natchez, this 9th day of March, A. D. eighteen hundred and fifty-four.

RICH'D A. INGE,
Clerk.

THE STATE OF MISSISSIPPI,
Adams County:

I, Reuben Bullock, Judge of the Probate Court (sole and presiding) of the County and State aforesaid, do hereby certify that Richard A. Inge, whose genuine signature appears to the foregoing certificate and attestation, is, and was at the date thereof, Clerk of said Court, duly elected, qualified and commissioned; that his said certificate and attestation are in due form of law, and that all his acts in the premises are and ought to be entitled to full faith and credit in judicature and thereout.

Given under my hand and seal the 9th day of March, A. D. 1854.

R. BULLOCK. [SEAL.]

THE STATE OF MISSISSIPPI,
Adams County:

I, Richard A. Inge, Clerk of the Probate Court of the County of Adams, State aforesaid, do hereby certify that Reuben Bullock, whose genuine signature appears to the foregoing certificate is, and was at the date thereof, Judge of said Court (sole and presiding), duly qualified and commissioned, and that all of his acts in the premises are and ought to be entitled to full faith and credit in judicature and thereout.

[L. S.] Given under my hand and seal of said Court at the city of Natchez, this 9th day of March, A. D. 1854.

RICHD. A. INGE,
Clerk.

Account of the Administrator of the Succession of H. L. Conner.

Estate Henry L. Conner, dec'd, Arcola Plantation, La., in account with William St. John Elliott, Administ.

DR.

1849, 1850,
Parish Tensas:

The Administrator prays allowance for the following disbursements, made on behalf of said estate for Arcola Plantation, La.:—

Voucher.

1.	Paid Porter Buchanan for 6 mules,			690 00
2.	St. B. Hecla, passage 15 negroes,			7 50
3.	R. Y. Skinner, taking inventory, record, and for copy of same,			75 00
4.	W. M. Shaw for ferriages,			3 25
5.	E. B. Baker for one ox running gear,			75 00
6.	B. F. Dunlap, clerk's fees in Tensas,			8 10
7.	Natchez, No. 2, freight,			5 38
8.	" " "			3 00
9.	Fred. Waldrich for smiths' work,			11 50
10.	Wm. Ireck for brickwork,			77 50
11.	D. Madden for ditching,	286 50		
	less his board bill,	19 25		267 25
12.	Taxes in 1848, in Tensas,			94 89
13.	Natchez, No. 2,			8 00
14.	H. B. Shaw, professional services,			250 00
15.	Swan & Abbott for casting,			18 05
16.	P. G. Gregier,			76 12
17.	Taxes in 1849,			145 86
18.	Princess, No. 3,			53 70
19.	L. G. Harrison,			9 00
20.	W. Jackson & Co.			602 49
21.	Gordon & Mason,			84 88
22.	T. Smith,			482 28
23.	J. D. Perkins, overseer,			505 19
24.	Dragage on pump,			50
25.	Dr. Lawrence,			110 50
26.	John D. James for 19 negroes,			13,000 00
27.	Abbott & Swan,			1 00
"	Messenger from Natchez to Arcola,			50
"	Fr't 2 boxes glass to Waterproof,			50
"	Specie sent overseer to pay negroes,			38 00
28.	Princess, No. 3,			19 75
29.	Thos. Kearney, surveyor,			20 00
30.	L. P. Conner's expenses to St. Joseph,			7 00
30½.	W. Jackson & Co. for sundries included in their ac't against Berkley place, properly belonging to this ac't, int. on 128 50	5 57		
	51 30	1 82		
				7 39
	Quinine for Arcola,			11 25
	Gummy bags,			114 92
	Insurance on Arcola gin,			70 00
	Freight,			63
31.	Natchez ferry-boat,			3 25
32.	Maurice Leslie,			10 00
33.	David Stanton,			25 00

Voucher.				
34.	R. Y. Skinner,			20 25
35.	Mason & Preston,			173 74
36.	Swan & Abbotts,			14 63
37.	Dr. Pollard's medical bill,	158 00		
	less bill,	32 94		125 06
38.	Thos. J. Gaw,			3 83
39.	Dr. D. W. Brickell,			6 00
40.	Sh'ff Arniat, taxes, 1850,			207 59
41.	Natchez freight,	19		
	Princess do.	19 75		38 75
42.	School tax, 1850–51,			128 55
43.	Dr. D. W. Brickell's med. acct.			25 00
44.	Thos. R. Mitchell,			76 48
45.	Brown and Williamson,			298 50
46.	Mrs. S. E. Conner's bill, hire of negroes from Berkley plantation,			330 00
47.	E. B. Baker's,			703 68
48.	F. L. Glover, clerk's fees,			19 25
49.	Z. Preston, Levee Commissioner, levee taxes, 1849, 680; 1850, 528,	1208		
	deduct levee script,	328 28		
	ten per cent. on balance,	879 72		791 75
50.	Collector's levee taxes,			623 72
51.	" " land,			680 60
52.	2 per cent. do, 15 Jan., '51,			528 00
53.	M. B. R. Williams, 6 mules,			690 00
54.	J. D. Perkins, overseer,			600 00
55.	Thos. Smith bill, 40 B. pork,	514 59		
	do. 1 " lard,	26 75		541 34
56.	Levee tax, 1851,			1700 00
57.	Bal. interest excluded in W. Jackson's acc't, rendered to 9th Nov. 1850,			658 68
58.	W. Jackson & Co., bill supplies from 22d Nov., 1850, to 8th March, 1852,			1087 30
59.	Thos. Smith, 30 bls. pork,			458 99
60.	F. D. Perkins, overseer,			700 00
61.	E. P. Pollard's medical acc't,			30 00
62.	G. W. Baynard's,			123 78
63.	Bal. Mason and Preston's acc't,			90 78
64.	W. J. Miller,			1 00
65.	Bal. W. E. Hall's acc't,			13 30
66.	Thos. Smith, bagging and rope,			213 42
67.	A. Ball,			158 55
68.	Princess, No. 3,			26 25
69.	S. V. Duncan,			238 20
70.	Natchez, No. 2,			41 38
71.	Taxes, 1851,			201 70

Voucher.		
71.	Dellon for runaway,	10 00
73.	James, fees for catching do.	5 00
74.	Premiums on policy of insurance 150 bales cotton, 6th April, 1852, $33 75; 19th May, $33 75,	67 50
75.	M. C. Wood,	7 50
76.	John Corney,	60 00
77.	J. H. Morehead, work on pier, &c.,	50 00
78.	W. Jackson & Co., ac. to Sep. 4, 1852,	1,042 96
79.	M. D. Glynn,	124 30
80.	E. B. Baker's supplies, Sep. 30, 1852,	1,040 02
81.	Thos. Smith, rope and twine,	216 30
82.	Am't handed to Mr. Blake for use Miss Fanny Conner, while travelling in 1852,	300 00
83.	Am't paid Mr. Flannagan for attending remains Miss Fanny Conner from Niag. to Nat.,	200 00
		$32,687 16

Cr.

1850.	By proceeds of sterling bill drawn on Liverpool against shipment 225 bales, £225.8¾ per cent. premium,	12,083 33
1851.	Proceeds of sterling bill drawn against shipment 171 bales, £1,500 @ 10 ₱.,	7,333 33
	By cash received of L. P. Conner for brick sold him,	50 00
	Am't received from F. D. Pickens, overseer, for lumber sold, 1850,	517 61
1852.		
Feb. 17.	By proceeds sterling bill £350, sold by W. Jackson & Co., @ 8½ per cent.,	1,687 78
May 17.	85 bales of cotton sold Jackson & Co.,	2,653 04
" 26.	100 " " " " "	3,103 01
July 5.	14 " " " " "	436 83
		27,864 93
	Balance due to Wm. St. John Elliott, Adm'r, from estate H. L. Conner,	4,822 23

Statement of cotton sold in Liverpool by W. Jackson, Sons & Co., and of bills drawn against proceeds since 1849.

1850.	Dec. 13.	Proceeds 225 bales cotton, nett,	£2,764	5	6
1851.	Nov. 28.	" 171 " " "	1,236	3	10
1852.	Ap'l 23.	" 50 " " "	462	5	7
"	Sep. 7.	" 28 " " "	242	4	11
			£4,614	19	10

Contra.

Bill drawn due 13 Jan, '51,	£2,500					
Int. and postages,		24	19	2		
Bill due 1 June, 1851,	1,500					
Interest and postages,		22	7	2		
Bill 8 March, 1852,	350					
Int. and postages,		9	11	13	4,406	17 7
Balance due estate in Liverpool, as cash 31 Dec., 1850.					£208	2 3

Filed October 7th, 1852.

F. L. GLOVER,
Clerk.

Second Account of Administration.

DR.

Estate of H. L. Conner (Arcola Plantation, Tensas Parish), in account with Wm. St. John Elliott, Administrator.

1852.	To balance bro't forward as per acc't rendered Oct. 1, 1852, due Wm. St. John Elliott,				4,822	23
Voucher.						
84.	Wm. Jackson & Co. ac't to 11 March 1853,				832	15
86.	Am't paid jail fees for runaway,				13	08
87.	Paid John Thompson, overseer,				550	00
88.	E. B. Baker,				151	56
89.	John B. Quigles,				12	68
90.	P. G. Cregier,				210	00
91.	Gorton & Co.,				71	37
92.	G. W. Reader,				8	00
93.	Levee tax, 1852,				306	00
94.	St. boat Natchez and P. Dalman,				91	87
95.	Dr. Pollard,				66	00
96.	G. & E. Kennedy,				11	88
97.	J. H. Moreland,				436	28
	T. Edwards' deposition, taken of Mrs. S. E. Conner & L. P. Conner,			2 50		
	Ferriages,			5 00	7	50
98.	J. W. Hodkins,				80	25

Mem'da. The following are proper charges against the plantation, bills for which have not yet been presented for payment:—

Overseer's wages, 50 days, from 18 Dec., 1852, to 7th February, 1853, @ $550 per annum.

Amount paid by overseer to negroes for picking cotton, baskets, chopping wood, &c., about $61 or $62.

G. W. Baynard's bill, 1852, for plantation supplies, amount not ascertained.

Balance due the estate by Adm'r,		7,896 58
	Doll's,	15,567 43

1853.

March 19.	To amount paid G. W. Baynard acc't to date for plantation supplies &c.,	109 65
	Balance due the estate by Adm'r,	7,786 93
	Dollars,	7,896 58

CR.

1.	By proceeds	101	bales of cotton,	30 Nov.,	J. & C.,	3,939 17
2.	do.	55	do.	24 Dec.,	do.,	1,657 63
3.	do.	20	do.	30 "	do.,	579 83
4.	do.	27	do.	6 Jan'y,	do.,	725 17
5.	do.	57	do.	15 "	do.,	1,625 59
6.	do.	140	do.	26 "	do.,	4,302 26
7.	do.	20	do.	22 Dec.,	do.,	661 58
8.	do.	64	do.	9 Mar.,	do.,	2,018 90

By amount received of E. B. Baker for 6 p'rs of brogans returned, 6 60

By amount paid Moreland by voucher No. 77, the same being included in voucher 97, 50 00

Memorandum. There is a balance due the estate from W. Jackson & Co., in Liverpool, as p. their account rendered, marked 9 and 10, of £208⅔ not drawn for, and 100 bales of cotton, sales not returned, in the hands of W. Jackson & Co., New Orleans, and 6 bales cotton, either on the plantation or on the way to Washington Jackson & Co., remaining of the crop of 590 bales in 1852, according to overseer's report, say 106 bales, Doll's 15,567 43

By balance due the estate bro't down, 7,896 58

Natchez, March 9th, 1853.

By balance due the estate brought down, $7,786 93

Filed March 22, 1853.

F. L. GLOVER,
Clerk.

Contra.

Bill drawn due 13 Jan, '51,	£2,500			
Int. and postages,	24	19	2	
Bill due 1 June, 1851,	1,500			
Interest and postages,	22	7	2	
Bill 8 March, 1852,	350			
Int. and postages,	9	11	13	4,406 17 7
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92.	G. W. Reader,			8 00
93.	Levee tax, 1852,			306 00
94.	St. boat Natchez and P. Dalman,			91 87
95.	Dr. Pollard,			66 00
96.	G. & E. Kennedy,			11 88
97.	J. H. Moreland,			436 28
	T. Edwards' deposition, taken of Mrs. S. E. Conner & L. P. Conner,	2	50	
	Ferriages,	5	00	7 50
98.	J. W. Hodkins,			80 25

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8.	do.	64	do.	9 Mar.,	do.,	2,018 90

By amount received of E. B. Baker for 6 p'rs of brogans returned, 6 60

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Memorandum. There is a balance due the estate from W. Jackson & Co., in Liverpool, as p. their account rendered, marked 9 and 10, of £208⅔ not drawn for, and 100 bales of cotton, sales not returned, in the hands of W. Jackson & Co., New Orleans, and 6 bales cotton, either on the plantation or on the way to Washington Jackson & Co., remaining of the crop of 590 bales in 1852, according to overseer's report, say 106 bales, Doll's 15,567 43

By balance due the estate bro't down, 7,896 58

Natchez, March 9th, 1853.

By balance due the estate brought down, $7,786 93

Filed March 22, 1853.

F. L. GLOVER,
Clerk.

Homologation of the Deliberations of Family Meeting.

STATE OF LOUISIANA,
Parish of Tensas:

Succession of H. L. Conner, deceased.

The petition of Susan E. Conner, Tutrix, residing in Adams County, Mississippi, respectfully shows that a family meeting, composed of friends of the minor heirs of H. L. Conner, deceased, was held before Robert Y. Skinner, Recorder of said parish, on January 4, 1850, which recommended and advised that your petitioner be authorized to purchase an additional number of slaves to be placed on the plantation of said deceased in this parish, in which recommendation the under tutor, being present, concurred. Your petitioner therefore prays that said proceedings of the family meeting be homologated and confirmed, and that your petitioner be authorized to make the purchase prayed for, as recommended by said family meeting, and for all proper proceedings, &c.

H. B. SHAW,
Att'y for Petit'r.

STATE OF LOUISIANA,
Parish of Tensas:

CLERK'S OFFICE, *Jan.* 4, 1850.

Upon considering the above petition it is ordered that the proceedings of the family meeting above referred to be homologated and confirmed, and that the Tutrix of the minor heirs of said H. L. Conner, dec'd, be authorized to purchase in the name and on behalf of said minors the additional number of slaves necessary for the cultivation of the plantation in this parish.

F. L. GLOVER,
Clerk.

Filed January 4, A. D. 1850.

F. L. GLOVER,
Clerk.

Petition of Appeal in Suit 462.

To the Honorable John Perkins, Judge of the Tenth Judicial District of the State of Louisiana:

The petition of Susan E. Conner, a resident of Adams County, and State of Mississippi, with respect represents, That on the 11th day of October, A. D. 1852, a final judgment was rendered by the Judge of the Tenth District Court of the Parish of Tensas, Louisiana, in a certain suit for partition of the "Arcola plantation, slaves, stock, and farming utensils thereon," situate in said parish of Tensas; that said suit was instituted by Susan E. Brickell and her husband, Dr. Warren Brickell, against Eveline B. Castillo and her hus-

band, Charles A. Castillo, Mary S. Conner and her husband, Benson Blake, William St. John Elliott, Adm'r, and your petitioner in her personal capacity, and as natural Tutrix of the minor Louisa R. Conner, and is numbered 462 upon the docket of said Court.

Shews, that said final judgment and decree is erroneous, was rendered without any evidence whatever, that your petitioner is aggrieved thereby, and is desirous of appealing therefrom to the Supreme Court of the State of Louisiana.

The premises considered, your petitioner prays that she be allowed to appeal from said judgment to the Supreme Court of Louisiana, upon furnishing sufficient bond and security, conditioned according to law, that her appeal be made returnable to the Supreme Court in New Orleans on or before the second Monday in February, A. D. 1854, and the said Susan E. Brickell and her husband, Eveline B. Castillo and husband, Mary S. Conner and husband, William St. John Elliott, Adm'r, and the minor Louisa R. Conner, through her under tutor, Lemuel P. Conner, be cited to appear then and there to answer this appeal; shews that the said Susan E. Brickell and husband, the said Mary S. Conner and husband, the said William St. John Elliott, Administrator, are residents of the State of Mississippi, and your petitioner therefore prays that Henry B. Shaw, Esq., of this State, be appointed Curator *ad hoc*, to represent said absentees in this appeal, and for general relief in the premises.

THOMAS P. FARRAR,
Att'y pp. Susan E. Conner.

STATE OF LOUISIANA,
Parish of Madison:

It is ordered that the prayer of the foregoing petition be granted and the petitioner is authorized to appeal from the Judgment complained of, upon furnishing bond and security, conditioned according to law, in the sum of two hundred dollars; said appeal to be made returnable on or before the second Monday in February, A. D. 1854, to the Supreme Court in Louisiana.

April 12, 1853.

JOHN PERKINS, JR.,
Judge 10 *D. C.*

Filed April 22, 1853.

F. L. GLOVER,
Clerk.

Appeal Bond in Suit 462.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. BRICKELL & HUSBAND
vs.
SUSAN E. CONNER, Tutrix, *et als.* } No. 462.

Know all men by these presents, that we, Susan E. Conner, as principal, and William H. McAlpin as security, are held and firmly bound unto Susan E. Brickell and husband, Evelina B. Castillo and husband, Mary S. Conner and husband, and Louisa R. Conner, in the just and full sum of two hundred dollars, good and lawful money of the United States, for the payment whereof, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators and assigns, firmly by these presents, dated this 22d day of April, A. D. 1853.

Now the condition of the above obligation is such, that whereas the above bound Susan E. Conner did, on the 12th day of April, 1853, obtain a devolutive appeal from a certain final judgment rendered in the above entitled suit and signed by said Court on the 11th day of October, A. D. 1852:

If, therefore, the said Susan E. Conner shall well and truly prosecute said Appeal in the Supreme Court of said State, and shall pay and satisfy such judgment and costs as may be rendered against her in said Appellate Court in said Appeal, then this obligation to be null and void, else to remain in full force and effect.

SUSAN E. CONNER,
By THOS. P. FARRAR,
Att'y in fact.

WM. H. McALPINE.

Filed April 22d, 1853.

F. L. GLOVER,
Clerk.

Monday, March 27th, 1854.

SUSAN E. CONNER, Widow, &c.
vs.
ADM'R & HEIRS OF H. L. CONNER, dec'd. } 542.

Upon agreement of Counsel in open Court, it is ordered by the Court, that the proceeds of the sale of the Arcola Plantation and slaves, now in the hands of the Sheriff, and the proceeds of said sale now due from the purchaser and not yet paid over, may be placed at interest by the plaintiff, with the approbation of plaintiff's and

defendants' Counsel, in writing, until such time as this suit may be finally decided, without prejudice to the rights of either party to this suit.

Judgment.

TENTH DISTRICT COURT,
Parish of Tensas:

SUSAN E. CONNER
vs.
THE ADMINISTRATOR AND HEIRS OF HENRY L. CONNER. } 542.

By reason of the law and the evidence being in favor of the defendants, and against the plaintiff, it is therefore ordered, adjudged, and decreed, that the plaintiff's demand be rejected, with costs.

Read and signed in open Court, this the 27th day of March, A. D. 1854.

ALONZO SNYDER,
Judge Tenth District.

Filed March 27, 1854.

F. L. GLOVER,
Clerk.

By WM. H. GARRETSON,
D. C.

Motion for Appeal.

SUSAN E. CONNER
vs.
ADMINIST. AND HEIRS OF H. L. CONNER, dec'd. } 542.

On motion of plaintiff's counsel, made in open Court, in presence of the counsel for the defendants, it is ordered, that plaintiff be allowed a devolutive appeal from the judgment herein rendered, to the Supreme Court of this State, returnable on or before the second Monday in February, 1855, to said Court, sitting in New Orleans, upon furnishing bond and security in the sum of two hundred dollars.

ALONZO SNYDER,
Judge Tenth Dist. Court.

Bond of Appeal.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

SUSAN E. CONNER, Widow, &c.
vs.
ADMIN'R AND HEIRS OF H. L. CONNER, dec'd. } No. 542.

Know all men by these presents, that we, Susan E. Conner, as principal, and Thos. B. Farrar, as security, are held and firmly

bound unto Susan E. Brickell and husband, Mary S. Blake and husband, Evelina B. Castillo and husband, Louisa R. Conner, and William St. John Elliott, administrator, in the just and full sum of two hundred dollars, good and lawful money of the United States, for the payment whereof, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, and assigns, firmly by these presents, dated the 30th day of August, A. D. 1854.

Now the condition of the above obligation is such, that whereas the above bound Susan E. Conner did, on the 27th of March, 1854, obtain a devolutive appeal from a certain final judgment rendered in the above entitled suit, and signed by said Court, on the 27 March, A. D. 1854—

If, therefore, the said Susan E. Conner shall well and truly prosecute said appeal in the Supreme Court of said State, and shall pay and satisfy such judgment and costs as may be rendered against her in said appellate Court in said appeal, then this obligation to be null and void, else to remain in full force and effect.

SUSAN E. CONNER,
By THOS. P. FARRAR, *Att'y.* } *Principal.*

THOS. P. FARRAR,
Surety.

Filed August 30, 1854.

JULIUS ARONI,
Clerk.

Certificate.

THE STATE OF LOUISIANA,
Parish of Tensas, Tenth District Court:

I, Julius Aroni, Clerk of said Court, certify hereby, that the above and foregoing pages contain a true, correct, and complete transcript of all the documents filed, all the testimony adduced, and all the proceedings had in the suit wherein Susan E. Conner, widow of H. L. Conner, deceased, is plaintiff, and the Administrator and Heirs of H. L. Conner, dec'd, are defendants, in the Tenth District Court, in the Parish of Tensas.

In witness whereof, I have hereunto set my hand and
[SEAL.] affixed the seal of said Court, at St. Joseph, this first day of September, A. D. 1854.

JULIUS ARONI,
Clerk.

Endorsement on Transcript.

3883. TENTH JUDICIAL DISTRICT COURT,
Parish of Tensas:

SUSAN E. CONNER, Widow of H. L. Conner, deceased, App't,
vs.
WILLIAM ST. JOHN ELLIOTT, Administrator, AND HEIRS OF H. L. CONNER, deceased, App'ee.

THOS. P. FARRAR and JOHN HENDERSON, } Counsel for App't.

HENRY B. SHAW, Counsel for Appe'es.

SUPREME COURT:
Filed January 30th, 1855.

F. McCULLOCH,
Dep. Cl'k.

Proceedings in the Supreme Court.

SUPREME COURT OF THE STATE OF LOUISIANA:

The Court met

MONDAY, *March 26th*, 1855.

Present their Honors THOMAS SLIDELL, Chief Justice; CORNELIUS VOORHIES, A. M. BUCHANAN, A. N. OGDEN & H. M. SPOFFORD, Associate Justices.

In this cause the Court this day delivered their opinion in writing, in the words and figures following:—

SUSAN E. CONNER, Widow,
vs.
THE HEIRS AND ADMINISTRATOR OF H. L. CONNER, deceased.

In the settlement of the estate of the deceased H. L. Conner, a controversy has arisen between his widow and his children. It is one of those family disputes with which our judicial annals so painfully abound, and which seem a necessary and unavoidable consequence of our peculiar laws on the subjects of the conjugal relations and of inheritance. In the perusal of this voluminous record the suggestion constantly recurs to the disinterested mind how much better it would have been if these parties had arranged their conflicting pretensions in a spirit of filial and parental affections. As they have chosen to pursue a different course, we are to apply the rules of law in the distribution of the estate.

Mr. Conner was a native and resident of Mississippi. He lived and died in that State. In 1824 he became affianced to the Plaintiff,

Susan E. Baker, a minor, residing in Louisiana, and under the guardianship of her tutor, Alexander Porter, a resident of Louisiana. After completing the education at the north, she was placed, on her return to Louisiana, in the family and under the care of her sister, Mrs. Ker, a resident of the Parish of Concordia, in this State. The consent of her tutor was given in these words:—

I, Alexander Porter, Jr., of the city of New Orleans, duly appointed Tutor by the Court of Probates in the parish of St. Mary's, Attakapas, in the State of Louisiana, to Susan Baker, minor, daughter of the late Joshua Baker, deceased, do in my quality aforesaid, by these presents, consent that the rites of matrimony be solemnized between Henry L. Conner, of Adams County, in the State of Mississippi, and the said Susan Baker, and I sign these presents and affix my seal thereto in the city of New Orleans, this 4th day of May, 1824, in order that the same may serve in time and place.

ALEXANDER PORTER, Jr. [L. S.]

It was intended then the marriage should be solemnized at the house of Mrs. Ker, but in consequence of the overflow of the Mississippi at the time, it was found inconvenient for their Mississippi friends and the Mississippi magistrate, Judge Winston, to reach Mrs. Ker's house in Concordia, and the place of solemnization was changed to the house of another sister in Mississippi. Immediately after the marriage, in May, 1824, they went to live at Oak Halls, in Adams County, Mississippi, the residence of Mr. Conner's mother. Here they continued to live until Mr. Conner's landed estate in that County, owned at the time of his marriage, was increased by the acquisition of lands there, inherited by his mother. He erected upon this estate a commodious dwelling, embellished it with an extensive garden and ornamental grounds, and lived until his death at his seat, which he called Berkley, in a style of comfort and elegance. The slaves and other personalty of his Mississippi estate amounted, at his death, to about $61,000, and Berkley was a tract of about 1,200 acres.

In 1841, he purchased a valuable plantation in the parish of Concordia, which was kept in successful cultivation until his death, and was then inventoried with its slaves, &c. at $58,456 $\frac{75}{100}$. A very comfortable dwelling-house was built upon this plantation, and occasionally the husband and wife visited the place, and tarried for some time upon such visits—Berkley, however, always remaining their home, and Mississippi their domicil. There is evidence that he occasionally spoke, after his marriage, of an idea of going to Louisiana to live. One witness not only says she had often heard him speak about going to Louisiana to live, but that he contemplated, at the time of his marriage, a removal to the State of Louisiana. But upon a fair review of all the testimony upon this subject in connection

with the surrounding circumstances, and especially the continuous and consistent acts of the parties, which speak more forcibly than casual words, we are satisfied that there was not in the mind of Conner, at the time of the marriage or subsequently, a settled purpose to live in Louisiana, much less any antenuptial understanding that such should be the case; and it is certain that his vague views as to a change of domicil never even approached a realization. Mississippi must unquestionably be considered not only the matrimonial domicil, but the matrimonial domicil contemplated at the time of the marriage.

It further appears that, after the marriage and after Mrs. Conner had taken up her abode in Mississippi, the husband and wife received from Judge Porter $4,452 $\frac{24}{100}$, being the amount of the patrimony in her tutor's hands, which sum the husband converted to his own use. The wife has participated in the distribution of the Mississippi estate, and occupies the Berkley mansion under the assignment of dower, but with means incompetent to sustain the establishment in its former style, or to live otherwise in the same comfort and luxury to which she was habituated before widowhood.

1. The most important inquiry in this cause is whether the claim by the wife of one-half of the Louisiana estate, as widow in community, is well founded.

The proposition is advanced upon the ground that by the code of 1808, which was in force at the time of entering into wedlock, every marriage contracted in the territory of Louisiana, superinduced of rights, partnership, or community of acquests or gains, such being the express provision of art. 3 of section iv. of that code; that although in this case the marriage was actually celebrated in Mississippi, she was a Louisiana ward, and was constructively and *de jure* married in Louisiana; that it was the *ante*nuptial intentions of the spouses to make Louisiana their residence; and mere accident and the postnuptial purpose of her husband, made Mississippi their actual residence; but to which act petitioner, then a minor, and without disposing will, could give no assent. These grounds, it is argued, are set forth in the petition and sustained by the evidence.

In these views of the law and facts we do not concur.

It is true that an accident changed the mere place of solemnization from Louisiana to Mississippi. But that this change was made against the wish of the tutor does not appear, and cannot reasonably be inferred. It is impossible to infer from the evidence in the cause that the house of Mrs. Ker, in Concordia, was originally selected, or the house of Mrs. Metcalfe subsequently adopted as the place of marriage, with reference to any question of property or marital rights. The choice in both cases seems to have been suggested by mere considerations of convenience and decorum. The language of the tutor's consent indicates no restrictions to Louisiana as the place of celebration, and does contain matters suggestive of the inference that no such restriction was intended. Under the then existing laws and jurisprudence of the State of Louisiana, this marriage would have

been considered a Mississippi marriage even if an accident had not prevented its solemnization in Louisiana. In Ford's case, decided while the code of 1808 and the Spanish laws were still in force, the question was whether the slaves of the wife, who was married in Mississippi, passed to her husband by the laws of that State, or remained her paraphernal property by virtue of the law of Louisiana, which was contemplated at the time as the matrimonial domicil, and within a reasonable time *became* so actually—Martin, J., as the organ of the Court, solves the question thus: "We think that it may safely be laid down as a principle that the matrimonial rights of a wife, who, as in the present case, marries with the intention of an instant removal, for residence in another State, are to be regulated by the laws of her intended domicil, when no marriage contract is made, or one without any provision in this respect." The existence of this jurisprudence certainly loses none of its significance as a fact in this cause, when it is considered that Alexander Porter, the tutor, who authorized his ward to marry a gentleman domiciliated in Mississippi, was an eminent member of the judiciary of Louisiana, and as such concurred in the opinion in Ford's case.

As to the *ante*nuptial intention of the parties respecting the matrimonial domicil, there is no reasonable ground to say that Louisiana was contemplated. The weight of evidence, as we have already remarked, is entirely opposed to such a conclusion.

We find no fair analogy as to facts between this case and the case of the minor Le Breton, and the doctrine there enunciated clearly militates against the present plaintiff.

Alexandrine Le Breton, a minor, thirteen years of age, without the consent of her mother, fled from New Orleans with her lover to Natchez, with the intention, as the Court inferred from the evidence, to be married there and return to New Orleans as soon as it could conveniently be done. They remained a few weeks in a tavern at Natchez, and soon after returned to New Orleans, where they continued to reside until the wife's death. The husband claimed to have become owner of his wife's chattels *jure mariti* under the law of Mississippi; but his pretensions were rejected, and one of the grounds for the conclusion was that, although the marriage took place in Mississippi, Louisiana was the contemplated matrimonial domicil; another was that the carrying the minor out of the State without the consent of the mother was in *fraudem legis*, and a marriage contracted under such circumstances in another State did not defeat the action of the law of Louisiana on the wife's property received by the husband here.

The Spanish laws do not enter into the considerations of this case, having been abrogated before the acquisition of the Louisiana estate, and the claim of the wife derives no support from the code of 1825. It declares that "every marriage contracted in this State superinduces of right partnership or community of acquets or gains, if there be no stipulation to the contrary. A marriage contracted out of this

State between persons who afterwards come here to live, is also subjected to the community of acquets with respect to such property as is acquired after their arrival. Arts. 2369, 2370.

The present marriage was not contracted in this State, nor in contemplation of a matrimonial domicil in this State, nor did the parties, or either of them, come here to live before the acquisition of the Louisiana property.

Under the well settled interpretation of the code of 1825 applied to the facts of this case, Mrs. Conner was not a partner in community. Succession of Packwood, 9 *Rob.* 438; Huff *vs.* Borland, 6th *Ann.* 437; Succession of Franklin, 7 *Annual*, 395. We speak now of a case arising before the acts of 1852, by which act the Legislature, dissatisfied with the existing law, extended the community of acquests and gains in favor of non-resident married persons to property in this State *thereafter* acquired. P. 200.

Lastly, the plaintiff insists she is protected by Sec. 2 of Article IV. of the Constitution of the United States, which ordains that, "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." The plaintiff's position, as defined by her counsel in his written argument is, "that a Mississippi wife, widow or heirs in regard to real property in Louisiana, is entitled by constitutional privilege to the same rights, as a Louisiana wife, widow or heir, in like relation to the same property." Limiting our answers to so much of this proposition as pertains to the question of community, we are of opinion that the provisions of the codes of 1808 and 1825 on the subject of community, do not conflict with the Constitution of the United States. They say to all who choose to marry in this State, be they citizens of this State, or of any other State, your marriage in this State shall superinduce of right a partnership or community of acquests or gains, if you make no stipulation to the contrary. When you make the contract of marriage in this State, the law in your silence implies the partnership as an incident of your contract. So again, the law says to all persons married elsewhere, be they citizens of Louisiana or citizens of other States, if you choose, after marriage, to come to Louisiana to live, your acquisitions in Louisiana (at least in the absence of your previous marriage agreement to the contrary) will be deemed as made subject to the community of acquests. In neither case do we discover an unconstitutional discrimination between our own citizens and citizens of other States of the Union.

II. With the failure of the claim of community the claim of usufruct of the Louisiana property after the husband's death also fails.

III. The claim of $\$6952\frac{24}{100}$, amount of alleged paraphernal funds received by the husband, cannot be sustained. The marriage took place in Mississippi, the husband was then domiciliated there, that State became and remained the matrimonial domicil, and there was no clear *ante*nuptial nor postnuptial understanding that the parties

should come to Louisiana to reside, the frustration of which might perhaps be regarded as a fraud on the wife.

The law of Mississippi must therefore control the wife's rights.

Under that law her personalty, reduced into possession by the husband, became his *jure mariti*. See Haydn *vs.* Nutt, 4 *Annual*, 68. Marcenaro *vs.* Bertoli, 2 *Annual*, 980.

IV. The plaintiff claims the marital portion in case her claims for community and paraphernal rights are disallowed. The doctrine is not disputed that this right to the marital portion in real estate situate in Louisiana results from the marriage, no matter where contracted, and that the wife takes by inheritance. But the claim is opposed on the ground that Mrs. Conner was not left in necessitous circumstances.

The article 2359 of our Code which confers the right, is in these words:

When the wife has not brought any dowry, or when what she has brought as a dowry is inconsiderable with respect to the condition of the husband, if either the husband or the wife die rich, leaving the survivor in necessitous circumstances, the latter has a right to take out of the succession of the deceased what is called the *marital portion*, that is the fourth of the succession in full property, if there be no children, and the same portion in usufruct only when there are but three or smaller number of children, and if there be more than three children, the surviving, whether husband or wife, shall receive only a child's share in usufruct, and he is bound to include in this portion what has been left him as a legacy by the husband or wife, who died first.

In the present case the wife brought no dowry, and her little patrimony was, as we have seen, received by her husband, became his *jure mariti*, and was converted to his own use. We have also seen that she is excluded from the community of acquests, and so far as the evidence informs us, although she had a modest patrimony before marriage, she was as to any means of her own, penniless at his death; and her husband having omitted to make provision for her by will, which it seems it was his intention to do on a scale commensurate with his affection and her meritorious conduct, she had nothing for her future support save what the laws of Mississippi and Louisiana would accord to her. In this view of the case, and as to any means of her own, she was, unquestionably left at her husband's death in necessitous circumstances.

Foster *vs.* Ferguson, 1 *Annual*, 263, was a case analogous in its circumstances so far as the immediate point before us is involved. The marriage was contracted in Mississippi, and, although made with a view of a residence in Louisiana, yet in consequence of the early death of the husband, and his fortune having been acquired before marriage, she seems to have taken nothing as partner in community. Under the laws of Mississippi she had received as dower an usufruct

in one-half of his real estate, and also, in full property, one-half of the nett personalty, which were not, however, sufficient for her maintenance. The District Court had awarded the widow one-fourth of the estimated value of the deceased's estate in Louisiana, deducting the estimated value of her Mississippi dower. The Supreme Court reversed the judgment in this respect, and gave the widow one-fourth of the succession of the husband left in this State, "independent of the rights which she had acquired in the estate in Mississippi." It is true, this is the only decision upon the point cited from our reports; and it is also true, that the grounds of the conclusion are not fully elaborated. It is a precedent, however, and as such should be followed, even though solitary, unless we are clearly satisfied that its doctrine is unsound. Of this we are by no means satisfied, and, on the contrary, we think it will bear the test of an analysis upon prinples of justice and common sense. If, instead of being situate in different countries, the whole of Foster's estate had been in Louisiana, it is clear that the marital fourth would have been assigned upon the whole estate. But a part happened to be in Mississippi, and had been subjected to a Mississippi distribution, which assigned to the widow a share which the law of that State deemed equitable and just. By maintaining the marital portion without reduction in the Louisiana estimate, the widow received an equitable share in her husband's whole estate, and no more. By reducing it, the spirit of both statutes would have been violated; for the spirit of each was that a provision for the widow's support, proportionate to the husband's fortune and condition in life, should be made out of his estate.

It was, however, argued on behalf of the heirs, that in ascertaining whether Mrs. Conner was in necessitous circumstances, the state of her means at a time subsequent to her husband's death could be considered, and that by reference to certain deeds of sale made to her about two years after her husband's death, it will be seen that she made large purchases, for which she paid an important portion in cash, a state of things inconsistent with penury. These purchases she made from her children of their interest in the homestead estate, and the slaves which, during her husband's lifetime, had been employed upon it. A portion of this homestead estate had been already set apart to her in dower, which included the family dwelling. And from the consideration as well as in fulfilment of a wish of the husband repeatedly expressed in conversation, but, unfortunately for her, not consecrated by a will, that she should pass the remainder of her days in the enjoyment of the estate where they had spent their married life in comfort and luxury, it was natural she should desire to extend her interest in the homestead; and it may well have been that some of the influential and wealthy friends of her husband and herself, by whom she was surrounded, may have assisted her in raising cash means. But even if these cash means were the result of her industry, thrift, or good fortune, subsequent to her husband's death (for it seems clear that she had no fortune of her own when he died),

we apprehend that subsequent prosperity and easy circumstances are not a test contemplated in our Code. It is true, an authority cited from a French commentator seems to countenance the doctrine asserted by the children. *Merlin*, in his *Repertoire Verbo Quarte de Conjointe Pauvre*, puts the question whether in determining the widow's right, the state of her fortune at the precise time of her husband's death, should be considered. He does not seem to announce his own opinion, but says that Dumoulin and Lebrun make a distinction between the case where the wife's change of fortune has followed closely on the death of the husband, or has supervened a long time afterwards, and say that, in the latter case, things must be left as they are. The language of our Code seems to point very distinctly to the state of things at the date of the death: "if either the husband or the wife die rich, *leaving* the survivor in necessitous circumstances;" moreover, the doctrine which looks to the posterior state of things seems out of harmony with the analogies of the Code, and a sound legal philosophy. It is not the general policy of the law to leave rights either in *abeyance* or determinable upon future accident. We prefer the interpretation of Gregorio Lopez, in commenting upon a kindred provision of the Spanish law. We refer to the 6th Partida, tit. 13, law 7: "Men are sometimes content to marry women who are poor and without a dowry; it is, therefore, but just and proper that since they loved and honored them through life they should not leave them destitute at their death. The ancient sages have, therefore, thought fit to ordain: that if the husband should not leave such wife the means of living well and decorously, and she should not have possessed such means of her own (nin ella lo oviese de lo suo), then she may inherit one-fourth of his estate, notwithstanding he should leave children; but such fourth part ought not to exceed one hundred pounds in gold, however great may be the estate of the deceased. But if such wife should have possessed (oviesse de lo suyo) the means of her own of living decorously, then she has no demand on the estate of her husband on account of such fourth part." Upon this, Lopez remarks: Item cum hic dicit nin' ella la vuiesse de lo suyo, intelligitur tempore mortis mariti, quia qualitus adjecta verbo intelligitur secundum tempus verbi. Unde licit postea efficiatur dives, non excludentur ab estâ quarta et ejus petitione, ut tenet idem Decius in dict. authent. præterea in fin; referens se ita consuluisse, et pater ejus consilio 24. In the same note he justly states, that the spirit of the law is not to exclude the wife, if by the labors of her own hands she could earn a subsistence; and that the law looks to the condition in life, its comforts and luxuries, which she had enjoyed during marriage. Ista quarta datur in honorem præteriti matrimonii, ut conserventur conjuges in solitu statu.

V. The claim for commissions as natural tutrix cannot be disposed of at present, no account of the tutorship having been yet rendered; and, moreover, it not appearing what property she actually administered, etc.

VI. She is entitled to be recognized as inheriting one-fourth of

the share of her deceased daughter, Anna, in the Louisiana succession.

VII. We do not think the plaintiff has shown any injury sustained by the sale of the property to George R. Marshall. There is, on the contrary, respectable testimony tending to the conclusion that the price of adjudication was enhanced by the private agreement made between the purchaser and a portion of the heirs.

The plea of *res judicata* is not relied upon in the points and brief of the appellees, and we have not, therefore, discussed it.

It is therefore ordered, adjudged and decreed that the judgment of the District Court be reversed, and it is further decreed:—

I. That the plaintiff's claim of community, of usufruct as surviving spouse in alleged community, and for paraphernal rights be rejected.

II. That the plaintiff's claim for commissions as natural Tutrix be reserved.

III. That she be recognized as the heir of her deceased child, Anna F. Conner, for one-fourth of the said child's share in the Louisiana succession of the said Henry L. Conner, deceased.

IV. That her claim for the marital portion of the Louisiana succession of her deceased husband, Henry L. Conner, to wit, the usufructs of one-sixth, be and is hereby sustained, the same to be adjusted by future proceedings herein.

V. That the claim to annul the adjudication of the Arcola plantation, slaves and appurtenances, to George R. Marshall, be rejected.

VI. That the price of sale of the said Arcola plantation, slaves and appurtenances, at which it was adjudicated to said Marshall, $135,050, be considered as representing the estate in Louisiana, as left by the deceased, subject to a reasonable deduction for the value of the slaves added thereto and improvements made since the death of the said Henry L. Conner, and existing at the date of adjudication to said George R. Marshall.

VII. That this cause be remanded for the purpose of effecting a final settlement of account, a partition and further proceedings according to law, the costs of appeal to be paid by the defendants.

Petition of Re-hearing.

MRS. SUSAN E. CONNER
vs.
HEIRS AND ADMINISTRATORS OF H. L. CONNER, deceased. } No. 3,883.

The defendant respectfully asks a rehearing in the above case so far as it relates to the allowance to the plaintiff of her claim for the marital portion of the Louisiana succession of her said husband, on the following grounds, viz:—

I. That the portion received by the said plaintiff from the Mississippi succession of her said husband was sufficient for her maintenance.

II. That the said plaintiff was precluded and stopped by her own acts, for preferring her claim to the marital portion at the time this suit was filed.

As the attorney of the defendants principally charged with the management of this case is absent from the city, the defendants ask for a sufficient delay to enable him to prepare a brief herein.

E. A. BRADFORD,
Of Counsel for Def'ts.

Filed April 2, 1853.

F. McCULLOCH,
Dep. Cl'k.

Order.

S. E. BRICKELL & HUSBAND, Appe'es,
vs.
S. E. CONNER, Tutrix, *et al.*, App'ts. } 3,375.

It is ordered that the rehearing prayed for in this case be refused.

Petition for Writ of Error.

To the Honorable THOMAS SLIDELL, Chief Justice of the Supreme Court of the State of Louisiana.

Your petitioner, Susan E. Conner, respectfully represents—

That in the case, No. , decided in your Honorable Court on the 26th day of March last, wherein your petitioner, sueing as widow of Henry L. Conner, dec'd, was plaintiff, and the Administrator and heirs of said Conner, deceased, and George R. Marshall were defendants, the question was involved, whether the local and statute law of the State of Louisiana, which accords to a resident widow of the State of Louisiana a larger and different portion of her deceased husband's moveable estate, situate in Louisiana, than it does to a widow resident in an adjacent State and a citizen of the United States, was or was not repugnant to the 2d Section and 4th Article of the Constitution of the United States, which your petitioner in said suit invoked for the establishment of her rights, in the case made in said record, and which by said record does appear. And your Honorable Court by its *final judgment* on that question, sustained as valid the discriminations of the Louisiana law in that behalf, and disallowed and overruled the claim of your petitioner, under the Constitution of the United States as aforesaid. And your petitioner is advised and believe that in said judgment and opinion of your Honorable Court, such error both intervened, as she is entitled to have

received and corrected in the Supreme Court of the United States. And to that end has sued out her writ of error and prays your Honor for a citation, returnable to said Supreme Court of the United States at its term in December next, 1855.

And as in duty bounded, &c.

JOHN HENDERSON,
Att'y for Petitioner.

Let a Writ of Error, without supersedeas, issue as prayed for.
New Orleans, 4 June, 1855.

THOMAS SLIDELL,
Chief Justice of Supreme Court of Louisiana.

Bond for Writ of Error.

Know all men by these presents, That we, Susan E. Conner, Plaintiff in Error, as principal, and John Henderson as surety, are held and firmly bound unto William St. John Elliott, Administrator of Henry L. Conner, deceased, and Daniel W. Brickle and his wife Susan L. Conner, Benson Blake and his wife Mary S. Conner, Charles A. Castillo and his wife Evelina B. Conner, and Louisa R. Conner a minor, represented by Lemuel P. Conner her under tutor, and George M. Marshall, and whom the said Susan, Mary, Eveline, and Louise are heirs-at-law of Henry L. Conner, deceased, and all defendants in error in the full and just sum of four hundred dollars, to be paid to the said defendants in error, and to their certain attorney, executors, administrators or assigns: to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this fourth day of June, in the year of our Lord one thousand eight hundred and fifty-five.

Whereas, lately in the Supreme Court of the State of Louisiana in a suit depending in said Supreme Court, wherein the said Susan E. Conner as widow of Henry L. Conner, deceased, was plaintiff, and the said William St. John Elliott, and Brickle and wife, Blake and wife, Castillo and wife, Louisa R. Conner, by her under tutor, Lemuel P. Conner, and George Marshall were defendants, judgment was rendered against the said several defendants, and in favor of the plaintiff, but not to the extent of her claim and demand: and the said plaintiff, Susan E. Conner, having obtained a writ of error, and filed a copy thereof in the Clerk's office of the said Supreme Court of Louisiana to reverse the judgment in the aforesaid suit, and a citation directed to the said defendants aforesaid having been issued by the Honorable Thomas Slidell, Chief Justice of said Supreme Court of Louisiana, citing and admonishing the defendants aforesaid to be and appear at a Supreme Court of the United States to be holden at Washington the first Monday of December next, A. D. 1855:

Now the condition of the above obligation is such, That, if the said Susan E. Conner shall prosecute said writ to effect, and answer all damages and costs if she fail to make her complaint and plea good, then the above obligation to be void, else to remain in full force and virtue.

SUSAN E. CONNOR, [L. S.]
By her Attorney in fact,
JOHN HENDERSON.
JOHN HENDERSON [L. S.]
as Surety.

Sealed and delivered in the presence of
F. DEWINT.

UNITED STATES OF AMERICA,
Supreme Court of the State of Louisiana.

I, Eugene Lasere, Clerk of the Supreme Court of the State of Louisiana for the Eastern District, by my lawful deputy, Louis R. Courtin, do hereby certify that the foregoing two hundred and ten pages do contain a true copy of the transcript of the proceedings had in the Tenth Judicial District Court of the Parish of Tensas, in a certain suit wherein Susan E. Conner, widow of H. L. Conner was Plaintiff, and Wm. St. John Elliott, Administrator, and Heirs of H. L. Conner were Defendants, and also of the proceedings had in this Supreme Court, on the appeal taken by said Susan E. Conner, widow of H. L. Conner, which appeal is now on the files thereof under No. 3883.

In testimony whereof I have hereunto set my hand, and [L. S.] affixed the seal of the said Court, at the City of New Orleans, on this 10th day of October, A. D. 1855.

EUGENE LASERE,
Clerk.

By LOUIS R. COURTIN,
Dy. Clerk.

UNITED STATES OF AMERICA, *ss:*

The President of the United States, to the Honorable the Judges of the Supreme Court of the State of Louisiana, holding sessions at New Orleans, Louisiana, Greeting:—

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said Supreme Court, before you, between Susan E. Conner, Widow of Henry L. Conner, deceased, *Plaintiff*, and William St. John Elliot, Administrator of said Henry L. Conner, deceased, and Daniel W. Brickle and his wife, Susan L. Conner; Benson Blake and his wife, Mary S. Conner; Charles A. Castillo and his wife, Evelina B. Conner; and Louisa R. Conner (a minor), by her under Tutor, Lemuel P. Conner, of whom the said Susan L., Mary S., Evelina B. and Louisa R.

Conner are children and heirs-at-law of said Henry L. Conner, deceased; and all these, with George M. Marshall, are *Defendants:*

Wherein, as is represented to us, was drawn in question the *validity* of a statute of said State of Louisiana, or authority exercised under said State, on the *ground* that such statute or authority was *repugnant* to the Constitution of the United States, and the decision was in favor of the *validity* of said statute and State authority:

And also, that there was drawn in question the construction of a *clause* of the Constitution of the United States, under which a right and privilege was specially set up and claimed by said plaintiff, and which right and privilege was *denied*, overruled and adjudged against, in the decision of said case, in your Honorable Court; *whereby* manifest error hath happened and intervened, as we are informed; and, we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the first Monday of December next, in the said Supreme Court, to be then and there held; that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness the Honorable R. B. TANEY, Chief Justice of the said Supreme Court of the United States, this fourth day of June, in the year of our Lord one thousand eight hundred and fifty-five, and the seventy-ninth of the Independence of the United States of America.

J. W. GURLEY,

[SEAL.] *Clerk of the United States Circuit Court for Eastern District of Louisiana.*

Writ of Error.

UNITED STATES CIRCUIT COURT:

(*No.* .)

SUSAN E. CONNER, Widow of Henry L. Conner, dec'd,

vs.

THE ADMINISTRATOR & HEIRS OF HENRY L. CONNER, deceased, and GEORGE M. MARSHALL.

Supreme Court: Filed June 4th, 1855.

F. McCULLOCH,
D'y Cl'k.

Copy of Writ of Error duly filed in the Clerk's office, as by statute required, on 4th day of June, 1855.

JOHN HENDERSON,
Att'y for Appellants.